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PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, SECOND SESSION

SENATE

FRIDAY, JUNE 27, 1958

(Legislative day of Tuesday, June 24, 1958)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Rev. James W. Waters, pastor, White Memorial Baptist Church, Macon, Ga., offered the following prayer:

O God, our help in ages past, we thank Thee for the privilege of prayer. We thank Thee for the answers Thou hast granted in response to prayer. We thank Thee for our forefathers who prayed for guidance and deliverance; consequently, they established this Christian Nation which is our heritage today.

Now we pause to pray at the beginning of this day's deliberations, with this body of statesmen in whose hands rest the destiny of this Nation. We thank Thee for these who have answered the call of duty, accepted the responsibility of leadership, and are lending their talents and abilities to the cause of sane government and freedom.

Grant, O God, that these leaders, like those who have preceded them, may be dedicated men, competent to overcome the perplexities of our time. Grant to them faith to be courageous, wisdom to know and follow Thy will, determination to be champions for right, and with sufficient serenity to quell all fears. Give them understanding and good judgment in dealing with the matters at hand today and every day.

Keep us constantly aware of Thy blessings and Thy presence with us. So teach us to number our days that we may apply our hearts unto wisdom, which cometh from Thee, O Lord, our strength, and our Redeemer. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 26, 1958, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Leo W. McDonough, to be postmaster at Kellogg, Minn., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of other routine business, and that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A. M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in recess until tomorrow morning at 10 o'clock.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF SECRETARY OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Secretary of Defense, together with the reports of the Secretaries of the Army, Navy, and Air Force, for the period from January 1 to June 30, 1957 (with accompanying reports); to the Committee on Armed Services.

ENACTMENT OF A CERTAIN PROVISION NOW INCLUDED IN DISTRICT OF COLUMBIA APPROPRIATION ACT, 1958

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to enact a certain provision now included in the District of Columbia Appropriation Act, 1958 (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS PRIOR TO RESTORATION OF BALANCES, PATENT OFFICE

A letter from the Secretary of Commerce, transmitting, pursuant to law, reports for partial restoration of the balances withdrawn from the appropriations "Salaries and Expenses, Patent Office" (1361006), and "Salaries and Expenses, Patent Office" (1371006), as of May 31, 1958 (with accompanying reports); to the Committee on Government Operations.

AMENDMENT OF SECTION 4201, TITLE 18, UNITED STATES CODE, RELATING TO COMPENSATION OF MEMBERS OF BOARD OF PAROLE

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4201 of title 18, United States Code, with respect to the annual rate of compensation of members of the Board of Parole (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Pan Arcadian Federation of America, favoring the enactment of legislation providing for the recognition of Greek Orthodoxy as a major faith; to the Committee on the Judiciary.

The petition of Mr. and Mrs. V. A. Emcott, of Baldwin Park, Calif., praying for the enactment of legislation to provide for the continuation of the improvement of the Big Dalton and San Dimas Washes for flood-control purposes; to the Committee on Public Works.

A memorial signed by Elsie F. Guzzer, and sundry other citizens of the State of Ohio, remonstrating against any change in the east front of the Capitol Building in the City of Washington, D. C.; ordered to lie on the table.

RESTORATION OF FULL AUTHORITY TO ADMINISTRATOR OF RURAL ELECTRIFICATION—RESOLUTIONS

Mr. HUMPHREY. Mr. President, I have just received copies of two resolutions urging restoration of the full authority to the Administrator of Rural Electrification. These resolutions have been adopted by the Carlton County Cooperative Power Association of Kettle River, Minn., and the Northern Electric Cooperative Association of Virginia, Minn.

I ask unanimous consent that the resolutions be printed in the RECORD, and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

RESOLUTION ON HUMPHREY-PRICE BILLS

Whereas Reorganization Plan No. 2 of 1953 affecting the Rural Electrification Administration vested all functions of the REA, including the REA Administrator's authority to grant loans, directly in the Secretary of Agriculture, with authority to redelegate

these functions to any officer, employee, or agency of the Department of Agriculture as he deemed fit; and

Whereas the subsequent actions and recommendations of the Secretary of Agriculture under the reorganization plan has resulted in weakening REA and endangering the future of that agency; and

Whereas it is the purpose of the Humphrey-Price bills to restore to the Administrator of REA the authority taken from him by Secretary Benson under the Reorganization Plan of 1953: Now, therefore, be it

Resolved, That Carlton County Cooperative Power Association assembled in annual meeting this 14th day of June 1958 does hereby urge the passage of the Humphrey bill S. 2990 and the companion bill H. R. 11762 which is the Price bill in the House of Representatives, and that copies of this resolution be mailed to the chairmen of the appropriate committees and to our Senators and Representatives in Congress.

Whereas the Secretary of Agriculture has taken the authority away from the Administrator of Rural Electrification to approve certain loans without first being reviewed by the Director of Agricultural Credit Services thereby depriving rural electric borrowers of direct access to the real administrator; and

Whereas there is an effort on the part of some private interests to discontinue the present Rural Electrification Loan Program through the raising of interest rates, removing certain authorities of the Administrator and proposals to send rural electric borrowers to private lenders for capital; and

Whereas it will be necessary for Northern Electric Cooperative to obtain further low cost financing to rebuild part of its system to meet increasing loads as well as to complete area coverage of central station electric service in accordance with its loan contract with the United States Government; and

Whereas it may be necessary to obtain large sums of capital to finance generation and transmission facilities to provide low cost power for its members: Now, therefore, be it

Resolved, That the Congress of the United States take necessary action to restore full authority to the Administrator of Rural Electrification to administer the loan program according to law without being subject to political interference and further that a copy of this resolution be mailed to all Senators and Congressmen from this State.

PLIGHT OF AMERICAN RAILROADS—RESOLUTIONS AND PETITIONS

Mr. JAVITS. Mr. President, I present sundry resolutions and petitions relating to the plight of the railroad industry. I ask unanimous consent to have the resolutions, together with the petitions, printed in the RECORD.

There being no objection, the resolutions, together with the petitions, without the signatures attached, were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED JUNE 18, 1958, BY BOARD OF DIRECTORS, OSWEGO CHAMBER OF COMMERCE, INC.

Whereas the railroads have played an important role in the development of this community and the Nation, both in peacetime and in times of national emergency; and

Whereas the railroads are important to this community because they are big taxpayers and are among the biggest employers and purchasers of goods and service; and

Whereas in the event of a national emergency, they would be essential to the Nation's safety; and

Whereas during World War II they carried 97 percent of all military freight and about 90 percent of troop movements; and

Whereas because of declining revenues, many railroads in the East are threatened with bankruptcy or possible Government operation; and

Whereas a Senate subcommittee which conducted an intensive 3-month investigation into the railroad situation, has reported that the railroads must be given assistance at once, if they are to survive as a free enterprise; and

Whereas the committee has recommended legislation to give the railroads relief from obsolete regulations and excess taxation: Therefore be it

Resolved, That the Oswego Chamber of Commerce, Inc., urges the Congress of the United States to adopt the legislation recommended by the Senate committee, in order to help the railroads survive as a vital free enterprise industry, without Government ownership or Federal subsidy; and be it further

Resolved, That copies of this resolution be forwarded immediately to Senators IVES, JAVITS, and Congressman KILBURN.

A RESOLUTION MEMORIALIZING THE UNITED STATES SENATE THROUGH OUR DULY ELECTED REPRESENTATIVES TO THAT AUGUST BODY TO ENACT SUCH LEGISLATION AS WILL EASE THE EXISTING OPPRESSIVE GOVERNMENTAL CONTROL ON THE RAILROAD INDUSTRY BY FAVORABLY CONSIDERING SENATE BILL S. 3778

Whereas the railroad industry has played a vital role in the growth and development of Cattaraugus County in which the village of West Valley locates, providing employment through the years for many of its residents, by contributing to the cost of government through the payment of real-estate taxes, and continually attracting new industry to the areas which they serve; and

Whereas throughout the years, governmental control of the railroad industry has increased to a point where the industry is not able to operate under the enterprise system which, is employed by competitors in the transportation industry; and

Whereas the United States Senate Subcommittee on Surface Transportation has reviewed the many oppressive restrictions and controls which plague the industry and threaten the very existence of the railroad industry, and have made recommendations as contained in Senate bill S. 3778; and

Whereas this resolution constitutes a measure provided for the usual daily operation of municipal department; Now, therefore, be it

Resolved by the board of the town of Ashford, which is also the governing board of the village of West Valley,

SECTION 1. That the United States Senate presently in session be and hereby is memorialized to enact such legislation as contained in Senate bill S. 3778 to ease the existing oppressive governmental controls so as to give relief to the railroad industry in its present struggle to survive; and

SEC. 2. That the clerk of this town board be and is hereby requested to transmit a copy of this resolution to Senator GEORGE A. SMATHERS, chairman of the Senate Subcommittee on Surface Transportation; and Senators IRVING M. IVES and JACOB K. JAVITS, and Representative DANIEL A. REED.

SEC. 3. That this resolution is hereby declared to be an affirmative vote of all the elected members to this board, and shall take effect and be in force as of this adoptive date.

MEMORIALIZING THE UNITED STATES SENATE SUBCOMMITTEE ON SURFACE TRANSPORTATION TO RECOMMEND THE ENACTMENT OF SUCH LEGISLATION AS WILL EASE THE EXISTING OPPRESSIVE GOVERNMENT CONTROLS ON THE RAILROAD INDUSTRY

Whereas the railroad industry has played a major and vital role in the growth and development of the county of Cattaraugus by providing employment through the years for hundreds of her residents, by contributing to the cost of government through the payment of real estate taxes and by continually attracting new industry to the areas which they serve; and

Whereas throughout the years, governmental control of the railroad industry has increased to the point where the industry is not able to operate under the true free enterprise system which is employed by competitors in the transportation industry; and

Whereas the United States Senate Subcommittee on Surface Transportation presently is meeting in Washington to review the many oppressive restrictions and controls which plague and threaten the very existence of the railroad industry: Now, therefore, be it

Resolved,

SECTION 1. That the Senate Subcommittee on Surface Transportation be, and it hereby is, memorialized to recommend such legislation as will ease the existing oppressive governmental controls so as to give relief to the railroad industry in its present struggle to survive.

SEC. 2. That the clerk of the board of supervisors of Cattaraugus County, N. Y., be, and he hereby is, requested to transmit a copy of this resolution to Senator GEORGE A. SMATHERS, chairman of the Senate Subcommittee on Surface Transportation; and Senator IRVING M. IVES, Senator JACOB JAVITS, and Representative DANIEL A. REED.

SEC. 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all members, it shall take effect and be in force immediately upon its adoption.

TOWN OF HAMLIN,
HAMLIN, N. Y., *June 5, 1958.*

HON. JACOB K. JAVITS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR JAVITS: At the meeting of the town board of the town of Hamlin, held on June 3, 1958, the following resolution was adopted:

"Whereas the railroads are an essential element in the economy of the Hamlin area and a vital factor in both our national prosperity and our national defense; and

"Whereas if the people are and the Nation are to continue to reap the benefits of this essential, free enterprise transportation system, relief from some of the legislative restrictions of the railroads is imperative: Now, therefore, be it

"*Resolved,* That the town board of the town of Hamlin, requests that prompt affirmative action be taken by the Congress of the United States to make the necessary practical changes that will permit the Nation's railroads to improve their financial condition."

The town board of the town of Hamlin urges you to support the bill introduced by Senator SMATHERS.

Very truly yours,
MRS. MARTHA KLAFEHN, *Town Clerk.*

RESOLUTION OF MONROE COUNTY POMONA GRANGE, JUNE 14, 1958

Whereas the grange was the leader in the passage of the laws by Congress to form the Interstate Commerce Commission and regulate the railroads nearly 70 years ago; and

Whereas these laws were established to regulate a monopoly form of transportation; and

Whereas the railroads are no longer a monopoly: Be it therefore

Resolved, That Monroe County Pomona Grange now go on record as favoring a change in our Federal transportation policy so as to give greater freedom to the railroads as follows:

1. Permit greater freedom in ratemaking. The mode of transportation that can perform service the cheapest should be allowed to do so as long as the rate is compensatory and nondiscriminatory. The so-called fair share theory of the ICC should be abolished.

2. The railroads should be permitted to discontinue passenger services and facilities no longer patronized by the public thereby saving millions of dollars annually that must be absorbed by freight revenue.

3. The Agricultural Exemption Act should be revised to exclude frozen fruits and vegetables and imported agricultural commodities in commercial hauling. The farmer should be permitted to haul his own products to market without restrictions.

4. The Federal excise tax on transportation of 10 percent on passenger fares and 3 percent on freight charges should be repealed to encourage greater use of our commercial carrier system of transportation; be it further

Resolved, That Monroe County Pomona Grange go on record as supporting the Smathers bill, S. 3778 and H. R. 12488.

RESOLUTION OF THE ROOSA-FLEMING POST, 161, VETERANS OF FOREIGN WARS, OF THE UNITED STATES, HELD IN THE POST HOME, AT PORT JERVIS, N. Y., ON JUNE 10, 1958

Be it resolved, That the Erie Railroad Co., which employs the majority of the members of this post, and is the largest employer in this community, is hampered by oppressive governmental controls, as are all railroads in the Nation, is unable to operate under a true free-enterprise system, which is enjoyed by competitors, that the restrictions and controls against the railroads threaten the very existence of the railroad industry, that this post go on record as favoring Senate bill 3778, and any other legislation covering similar proposals, the welfare of the Erie Railroad Co., being of vital interest to this post.

RESOLUTION ADOPTED BY THE MAYORS AND OTHER MUNICIPAL OFFICIALS AT THE ANNUAL MEETING OF THE NEW YORK STATE CONFERENCE OF MAYORS, LAKE PLACID, N. Y., JUNE 4, 1958

Whereas the railroad industry of this State because of the vast services it provides the public as transporter of passengers and freight, as employer of more than 80,000 persons earning over $440 million annually, as a taxpayer contributing $47 million annually in real estate and special franchise taxes in the State, and as purchaser and consumer of goods and services amounting to hundreds of millions of dollars annually, plays a vital role in the economy of our local communities, the State and the Nation; and

Whereas the State Public Service Commission, the State legislature, and Congressional hearings confirm the need for governmental assistance; and

Whereas it is essential to our basic economy that the railroads continue to operate under private owership so as to avoid public ownership at great cost to the taxpayer; and

Whereas there is now pending in Congress legislation designed to strengthen the national transportation system: Now, therefore, be it

Resolved, That the Congress of the United States be memorialized to enact appropriate legislation now pending in Congress which will permit the railroad industry to fairly compete with other forms of transportation; be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, and to the Members of Congress from this State.

Resolution of the County of Broome, N. Y., directing Congress to take action in reference to railroads

Whereas we are aware of the vital importance of railroads in the economy of this county and the Nation; and

Whereas the railroads serving in this area employ hundreds of local citizens in gainful employment; and

Whereas the railroads are among the community's biggest purchasers of goods and services; and

Whereas they are among the largest taxpayers of the county; and

Whereas some of the railroads, especially those in this eastern section of the country, are in serious financial difficulties; and

Whereas a loss of any of our railroads would have a very injurious effect upon thousands of local residents and the community as a whole, because of the loss of payrolls, taxes, and purchasing power; and

Whereas a Senate committee in Washington has recommended that immediate steps be taken to bring relief to the railroads; and

Whereas a report on the findings of this committee have been submitted to the Congress: Now, therefore, be it

Resolved, That this County of Broome, N. Y., urges the Congress of the United States to insure the continued operation of this essential industry as a free enterprise by speedily adopting the legislation needed to bring about the changes listed in the Senate report as submitted by the committee; and be it further

Resolved, That copies of this resolution be forwarded immediately to our Senators and our District Representatives in the House of Representatives.

Whereas the railroad industry has played a major and vital role in the growth and development of the City of Olean, N. Y., by providing employment for hundreds of her residents, by contributing to the cost of government through the payment of real estate taxes and by continually attracting new industry to the area; and

Whereas throughout the years, governmental control of the railroad industry has increased to the point where the industry is not able to operate under the true free enterprise system which is enjoyed by competitors in the transportation industry; and

Whereas the United States Senate Subcommittee on Surface Transportation has endorsed an 11-point program to aid America's ailing railroad industry and has approved a bill embodying 8 of these points with the purpose of strengthening and improving the Nation's transportation system: Therefore, be it

Resolved by the common Council of the City of Olean,

SECTION 1. That the Congress of the United States be and it is hereby memorialized to enact such legislation as will ease the existing oppressive governmental controls so as to give relief to the railroad industry in its present struggle to survive.

SEC. 2. That the city clerk be and he is hereby directed to transmit a copy of this resolution to Senators IRVING M. IVES and JACOB K. JAVITS and to Representative DANIEL A. REED urging them to support House bill 12488 and Senate bill S. 3778.

Whereas the welfare of our country and its people, in times of peace and of national emergency, depends on an efficient, economical, and prosperous common carrier transport system, of which the railroads are a major segment; and

Whereas the welfare of this community, as reflected in employment and industrial payrolls, depends in large part on the volume of materials, supplies, and services purchased annually by the railroads; and

Whereas the railroads today are faced with a dire emergency from wholly inadequate earnings brought about largely by overregulation and inequitable competitive conditions; an emergency which seriously threatens their continued existence under private ownership and operation; and

Whereas it is the considered opinion of most experts that a series of railroad bankruptcies now might well trigger both Government operation of railroads and a general economic debacle: Therefore be it

Resolved, That the Board of Trustees of the Village of Fairport petitions the Congress of the United States to take immediate action to:

(a) Assure competitive equality in the field of transportation;

(b) Relieve the railroads of as much as possible of the monopoly regulation under which they are now forced to operate; and

(c) Provide self-liquidating financial relief to the railroads to tide them over this emergency.

The Board of Trustees of the Village of Fairport further recommends that these remedial measures be taken simultaneously by the Congress since they are inseparable parts of a program designed, in the public interest, to restore fair competition in the field of transport; reduce unemployment by work on production of the huge volume of material, supplies, and services which the railroads could purchase if they were assured of a fighting chance to operate profitably; assure adequate transportation facilities for the growth of our economy and for the national defense; and avoid Government operation of our railroads.

Resolution of the City of Jamestown, N. Y.

Whereas the railroad industry has played a major and vital role in the growth and development of the city of Jamestown, N. Y., by providing employment for thousands of her residents, by contributing to the cost of government through the payment of real estate taxes and by continually attracting new industry to the area; and

Whereas throughout the years, governmental control of the railroad industry has increased to the point where the industry is not able to operate under the true free enterprise system which is enjoyed by competitors in the transportation industry; and

Whereas the United States Senate Subcommittee on Surface Transportation presently is meeting in Washington to review the many oppressive restrictions and controls which plague and threaten the very existence of the railroad industry: Now, therefore be it

Resolved—

SECTION 1. That the Senate Subcommittee on Surface Transportation be and it hereby is respectfully requested to recommend such legislation as will ease the existing oppressive governmental controls so as to give relief to the railroad industry in its present struggle to survive.

SEC. 2. That the city clerk be and he hereby is directed to transmit certified copies of this resolution to Senator GEORGE A. SMATHERS, Chairman of the Senate Subcommittee on Surface Transportation; Senators IRVING IVES and JACOB JAVITS; and Representative DANIEL A. REED.

Resolution unanimously adopted by the Common Council of the City of Port Jervis, N. Y., on June 12, 1958

Whereas, the general economy of the country depends on a healthy railroad transportation system no less than on other facets of industry; and

Whereas the city of Port Jervis, N. Y., because of its geographic position is located on the Erie Railroad, and said railroad employs some 800 persons in this vicinity in its operation and maintenance; is the heaviest local tax contributor and is the largest single employer in this area not in the number employed merely but also total payroll outlay; Therefore

This municipality being vitally affected by the economic status of the railroads in general as well as the Erie Railroad in particular, earnestly and respectfully request your support of the modest program of railroad industry aid as evolved by the Smathers committee bill, in the general well-being of all our citizens.

Resolution of the Village Board of the Village of East Bloomfield, N. Y., June 12, 1958

Whereas the railroads are an essential element in the economy of the East Bloomfield area and a vital factor in both our national prosperity and our national defense; and

Whereas if the East Bloomfield area and the Nation are to continue to reap the benefits of this essential, free-enterprise transportation system, relief from some of the legislative restrictions of the railroads is imperative: Now, therefore, be it

Resolved, That the village board of the Village of East Bloomfield, N. Y., requests that prompt affirmative action be taken by the Congress of the United States to make the necessary practical changes that will permit the Nation's railroads to improve their financial conditions.

Resolution of the Board of Trustees of the Village of East Rochester, N. Y., June 9, 1958.

Be it resolved, That the report on the "deteriorating railroad situation" drafted by the Senate Surface Transportation Subcommittee along with recommendations contained therein be and hereby are endorsed; and be it further

Resolved, That it is the hope of this body that the program for improvement of the transportation situation presented in the report be adopted by the Congress.

Resolution of the Board of Trustees of the Village of Palmyra, N. Y.

Whereas the railroads are an essential element of the economy in this area, and a vital factor in both our national defense and prosperity; and

Whereas if the area and the Nation are to continue to reap the benefits of this essential, free enterprise transportation system, relief from some of the legislative restrictions of the railroads is imperative: Therefore be it

Resolved, That the Board of Trustees requests that prompt action be taken by the Congress of the United States to make necessary practical changes that will permit the railroads to improve their financial position.

Whereas the railroads are in serious financial straits, largely because of outmoded and inequitable Government regulations; and

Whereas these conditions have an adverse effect upon the employment, business, and general economy of the city of Renesselaer as well as of the Nation as a whole; and

Whereas a healthy, competitive railroad industry is essential to our welfare and security both locally and nationally: Now, therefore, be it

Resolved, That the Common Council, City of Rensselaer, strongly urges Congressman LEO. W. O'BRIEN and Senators IVES and JAVITS to support corrective legislation introduced by the Senate subcommittee on Surface Transportation of the Senate Committee on Interstate and Foreign Commerce; and be it further

Resolved, That copies of this resolution be forwarded to the above-named gentlemen.

Whereas the railroads have played an important role in the development of this community and the Nation, both in peacetime and in times of national emergency; and

Whereas the railroads are important to this community because they are big taxpayers and are among the biggest employers and purchasers of goods and services; and

Whereas, in the event of a national emergency, they would be essential to the Nation's safety; and

Whereas during World War II they carried 97 percent of all military freight and about 90 percent of troop movements; and

Whereas because of declining revenues, many railroads in the East are threatened with bankruptcy or possible Government operation; and

Whereas a Senate subcommittee which conducted an intensive 3-month investigation into the railroad situation, has reported that the railroads must be given assistance at once, if they are to survive as a free enterprise; and

Whereas the committee has recommended legislation to give the railroads relief from obsolete regulations and excessive taxation: Therefore be it

Resolved, That Elmira Lodge No. 62, Benevolent Protective Order of Elks, urges the Congress of the United States to adopt the legislation recommended by the Senate committee, in order to help the railroads survive as a vital free enterprise industry, without Government ownership or Federal subsidy; and be it further

Resolved, That copies of this resolution be forwarded immediately to the two United States Senators representing New York State, and the Congressman representing this district in the House of Representatives.

Resolution of the Board of Trustees of the Village of Lancaster, N. Y., June 9, 1958

Whereas the railroads are an essential element in the economy of the Lancaster area and a vital factor in both our national prosperity and our national defense; and

Whereas if the Lancaster area and the Nation are to continue to reap the benefits of this essential, free enterprise transportation system, relief from some of the legislative restrictions of the railroads is imperative: Now, therefore, be it

Resolved, That the board of trustees of the village of Lancaster requests that prompt affirmative action be taken by the Congress of the United States to make the necessary practical changes that will permit the Nation's railroads to improve their financial condition, and in particular to pass the Senate bill S. 3778 and the House bill H. R. 12448.

Resolution of the Village of Lyons, N. Y.

Whereas the railroads are an essential element in the economy of the Lyons, N. Y., area and a vital factor in both our national prosperity and our national defense; and

Whereas if the Lyons, N. Y., area and the Nation are to continue to reap the benefits of this essential, free enterprise transportation system, relief from some of the legislative restrictions of the railroads is imperative: Now, therefore, be it

Resolved, That the board of trustees of the Village of Lyons, N. Y., requests that prompt affirmative action be taken by the Congress of the United States to make the necessary practical changes that will permit the Nation's railroads to improve their financial condition, and that copies of this resolution be forwarded to Federal political representatives of this area.

We, the undersigned residents of your District, are among the thousands who are employed on the Baltimore & Ohio Railroad. We therefore appeal to you to support legislation already before Congress, particularly Senate bill known as S. 3778 and House bill H. R. 12488. Government regulations have so discriminated against the railroads, that an average of 4,000 railroaders have been laid off every month for the past 5 years. This is not only a hardship on the unemployed, but an unreasonable and unjustified undermining of our national economy and a serious threat to national defense. We want you not only to vote for corrective legislation which will enable the railroads to compete on more equal terms with their competitors, but also to speak out publicly in our behalf.

(Signed by V. C. Farnum and sundry other citizens.)

Resolution of City Council of Cortland, N. Y.

Whereas we are aware of the vital importance of railroads in the economy of this country and the Nation; and

Whereas the railroads serving this area employ hundreds of local citizens in gainful employment; and

Whereas the railroads are among the community's biggest purchasers of goods and services; and

Whereas they are among the largest taxpayers of the county; and

Whereas some of the railroads, especially those in this eastern section of the country, are in serious financial difficulties; and

Whereas a loss of any of our railroads would have a very injurious effect upon thousands of local residents and the community as a whole, because of the loss of payrolls, taxes, and purchasing power; and

Whereas a Senate committee in Washington has recommended that immediate steps be taken to bring relief to the railroads; and

Whereas a report on the findings of this committee has been submitted to the Congress: Now, therefore, be it

Resolved, That this city of Cortland urge the Congress of the United States to insure the continued operation of this essential industry as a free enterprise by speedily adopting the legislation needed to bring about the changes listed in the Senate report as submitted by the committee; and be it further

Resolved, That copies of this resolution be forwarded immediately to our Senators and our District Representative in the House of Representatives.

Resolution of Village of Waverly, N. Y., requesting the United States Senate Subcommittee on Surface Transportation and the governmental representatives of the district in which the Village of Waverly is situate, to consider and recommend the enactment of such legislation as will ease existing oppressive governmental controls on railroads

Whereas the village of Waverly is situate within a radius of 3 miles of 3 existing railroads; and

Whereas many residents of the village of Waverly are employed by the railroads, and many other residents are employed by industries and businesses which depend heavily on railroad transportation; and

Whereas it appears that the said railroads will be unable to continue operation on the present scale unless they are relieved of the many oppressive restrictions and controls, which affect the economic well-being of such railroads; and,

Whereas the United States Senate Subcommittee on Surface Transportation is presently considering and reviewing such oppressive restrictions and controls: Therefore, be it

Resolved by the mayor and board of trustees of the village of Waverly—

1. That the aforesaid Senate Subcommittee on Surface Transportation be and it hereby

is requested to recommend such legislation as will ease the existing oppressive governmental controls on railroads, and recommend such further relief as will enable said railroads to again operate on a sound financial basis and maintain their existing operations to the fullest extent possible.

2. That the village clerk of the village of Waverly, be and he hereby is requested to transmit a copy of this resolution to Senator GEORGE A. SMATHERS, chairman of the Senate Subcommittee on Surface Transportation; Senator JACOB K. JAVITS; Senator IRVING M. IVES, and Hon. HOWARD W. ROBINSON, Congressman of the 37th Congressional District.

3. That this resolution shall take effect at the earliest possible period permitted by law.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H. R. 12948. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes (Rept. No. 1764).

By Mr. HAYDEN, from the Committee on Appropriations, without amendment:

H. J. Res. 640. Joint resolution making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes (Rept. No. 1765).

(See the remarks of Mr. HAYDEN when he reported the above joint resolution, which appear under a separate heading.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Robert E. McLaughlin, of the District of Columbia, to be a Commissioner of the District of Columbia;

George E. C. Hayes, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia.

By Mr. HILL, from the Committee on Labor and Public Welfare:

Clarence T. Lundquist, of Illinois, to be Administrator of the Wage and House Division, Department of Labor;

Edward Steidle, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review;

Thomas H. Healy, of Georgia, to be a member of the Railroad Retirement Board;

Jose L. Silva, and Edward M. Campbell, for personnel action in the Regular Corps of the Public Health Service;

Thomas D. Dublin, Frank R. Freckleton, and Norman C. Telles, for personnel action in the Regular Corps of the Public Health Service; and

Claude D. Head, Jr., and sundry other candidates, for personnel action in the Regular Corps of the Public Health Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 4064. A bill to provide for the establishment of the Padre Island National Park, in the State of Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. DIRKSEN:

S. 4065. A bill to amend the Administrative Procedure Act and the Communist Control Act of 1954 so as to provide for a passport review procedure and to prohibit the issuance of passports to persons going or staying abroad to support the Communist movement; and for other purposes; to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 4066. A bill for the relief of Sophie Stankus, also known as Sister St. Ignace; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 4067. A bill to authorize the Secretary of Health, Education, and Welfare, to make grants to the States to assist in the provision of facilities and services for the day care of children; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 4068. A bill for the relief of Kristofer Marie Guersey and Kyle Anne Guersey; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 4069. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. HENNINGS:

S. 4070. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. HENNINGS when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

INTEGRITY AND IMPARTIALITY IN EXERCISE OF CERTAIN FUNCTIONS BY ADMINISTRATIVE AGENCIES OF THE GOVERNMENT

Mr. BUSH. Mr. President, the question of what is ethical and proper in relationships between members and employees of Federal regulatory agencies, on the one hand, and officials of the executive branch and Members of Congress, on the other, is now being heatedly debated.

This is perhaps inevitable in an election year. Members of the opposition party are talking about vicuna coats and oriental rugs these days, just as in 1952 members of my own party were rather bitterly discussing mink coats and deep freezers.

But, Mr. President, underlying all the campaign oratory there exists a deeply serious problem which cries for solution. There is urgent need to define proper conduct in this field, and to insulate from political, personal and other pressures the members and employees of the administrative agencies of Government—agencies which possess vast powers over many areas of business activity.

Since early this year, I have been considering how this problem could best be dealt with legislatively. As long ago as last March, I drafted a concurrent resolution, which I am submitting today. I have since discussed it with some of my colleagues in the Senate, with members of some of the regulatory agencies and with some officials in the executive branch, including the Department of Justice. It was the House investigation of Commissioner Mack of FCC that finally prompted me to draft this resolution.

Other suggestions have been put forward. The distinguished junior Senator from New York [Mr. JAVITS] has recently proposed a Federal code of ethics, a suggestion which was made in former years by one of my Connecticut predecessors in the Senate, former Senator Benton. The able junior Senator from Oregon [Mr. NEUBERGER] has advocated that the so-called conflicts-of-interest statutes be made applicable to Members of Congress. The American Bar Association has sponsored House bill 3350, which would require observance of canons of legal and personal ethics by all persons who make representations in behalf of a participant in proceedings before any regulatory agency.

The Securities and Exchange Commission has under consideration a canon of ethics for its own members which appears to have considerable merit, and I hope that other agencies are considering similar standards of conduct. However, these would be limited in application to the agencies themselves.

The idea of a code of ethics has much appeal but, as an editorial in the Hartford Courant this week has pointed out, any such code of ethics should apply to Members of Congress as well as to other Federal officials.

I have concluded, Mr. President, that it would be naive to expect this Congress to act upon any broad and sweeping legislative proposals in this area, constructive as they may be, in the few remaining weeks of its life.

There would be endless discussion, and great reluctance upon the part of some Members to impose restrictions upon themselves—although there is a large body of opinion that Congressional interference with the work of the administrative agencies creates the most serious problems which these agencies must face. Moreover, if hearings were to be held this summer on detailed legislation in this sensitive area, committee rooms would become arenas where less thought would be given to constructive legislation than to strivings for political advantage.

However, there is a way in which Congress can make possible a dispassionate, objective study of this whole problem which could lead to constructive legislation by the next Congress in which a calmer atmosphere may prevail. That is for us now to call upon the Attorney General to establish an advisory committee of distinguished citizens, insulated from the political pressures which focus on Congressional committees, to study the whole field of administrative law and make recommendations.

Accordingly, my concurrent resolution provides—

That it is the sense of the Congress that—

(a) The Attorney General should establish an advisory committee, composed of individuals who have attained eminence in the practice of administrative law, in public administration, and in judicial administration, to consider and make its recommendations for appropriate measures to insure integrity, impartiality, and public confidence

in the exercise of adjudicatory and rulemaking functions by administrative agencies of the Government.

(b) Such committee should prepare and submit to the Attorney General, for transmission to the President and to the Congress at the earliest practicable time, its findings and conclusions upon that subject, including its recommendations for legislation which it may consider to be necessary or desirable.

Mr. President, I send my concurrent resolution to the desk and ask that it be appropriately referred. I hope it will receive prompt attention.

I ask unanimous consent to have printed in the RECORD following these remarks the editorial from the Hartford Courant to which I have referred, a column by Arthur Krock in the New York Times of March 18, 1958, discussing House bill 3350, and a letter to me, with enclosures, from Edward N. Gadsby, Chairman of the Securities and Exchange Commission.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the matters referred to will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 98) relative to insuring integrity and impartiality in the exercise of certain functions by administrative agencies of the Government, submitted by Mr. BUSH, was referred to the Committee on the Judiciary, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(a) The Attorney General should establish an advisory committee, composed of individuals who have attained eminence in the practice of administrative law, in public administration, and in judicial administration, to consider and make its recommendations for appropriate measures to insure integrity, impartiality, and public confidence in the exercise of adjudicatory and rulemaking functions by administrative agencies of the Government.

(b) Such committee should prepare and submit to the Attorney General, for transmission to the President and to the Congress at the earliest practicable time, its findings and conclusions upon that subject, including its recommendations for legislation which it may consider to be necessary or desirable.

The editorial, article, and letter presented by Mr. BUSH are as follows:

[From the Hartford Courant of June 25, 1958]

A SUGGESTED CODE OF POLITICAL ETHICS

The Sherman Adams affair refuses to die. Democrats, seeing in it a chance for political advantage, have been keeping the pot boiling. One of the later developments is the renewal of the idea that a code of ethics should be drawn up and followed by all Federal officials. Now whether this term "officials" means Members of Congress is questionable. The first real counteroffensive was struck by Republican National Chairman Meade Alcorn, who has called on a group of Democratic Senators to appear before an investigating committee—as Mr. Adams did—and answer questions about their attempts to influence the granting of a television license.

Mr. Alcorn has named Senators MAGNUSON, SMATHERS, SYMINGTON, and KEFAUVER, all of whom have declined the opportunity of testifying. Mr. Alcorn has gone even further. He has suggested that other Senators or Representatives who have been the recipient of gifts from Bernard Goldfine or other persons, stand up now and be counted.

It is doubtful if any legislator will take advantage of this opportunity to confess. But what Mr. Alcorn has done is to point up the fraudulent piety of many of Mr. Adams' critics. It is apparent that there are legislators who wish for a double standard of morals, one for the executive department and one for the legislative.

This is not to condone Mr. Adams' mistake. What he himself confessed was an error in judgment was an inexplicably stupid thing to have done. But the corollary is that moral standards should obtain, not only in the executive department, but among legislators as well.

The idea of a Federal code of ethics is not new. It was broached by former Senator Benton subsequent to the revelation that the Truman administration was honeycombed with graft and corruption. But there can be nothing in a Federal code that is not already guiding all public officials with a sensitive conscience and a sense of moral values. It takes no Federal code to make clear that every time an official or a legislator takes a valuable gift, some of his impartiality has been eroded. To that extent he is in debt to his donor.

Let the Adams case be the peg on which to hang a moral renaissance. But let it apply as rigidly to Congress as to other public officials. Some Members of Congress have been following a double standard of moral values—one for the executive department and one for their own guidance.

READY REMEDY FOR FCC TYPE OF PRESSURE

(By Arthur Krock)

WASHINGTON, March 17.—The revelations before the Harris subcommittee of the House, of political, personal, and other pressures to influence the decisions of members of Federal commissions, point to a remedy which has been urged on Congress for at least 4 years. The report of the subcommittee is not likely to produce any better safeguard against activities that in some instances have taken on the color of scandal.

This remedy took legislative form last year in H. R. 3350, sponsored by the American Bar Association and introduced at the first session of this Congress. It would apply the canons of legal and personal ethics to representation before the Federal agencies, which make many decisions of great property value to the successful applicants, including the award of television stations. As early as March 1954, in the Journal of the Bar Association of the District of Columbia, this legislation was outlined and advocated by a leader in the current movement for its enactment—F. Trowbridge vom Baur, who was and is General Counsel of the Department of the Navy.

The salient features of H. R. 3350, which embodies the recommendations made by Vom Baur in this article outlaw the following as improper conduct on the part of anyone who acts, or holds himself out as acting or entitled to act, with or without compensation, in behalf of a participant in a matter before a Federal agency.

Direct or indirect solicitations for his employment.

Communication or discussion with any agency, or with any of its officials or employees, as to the merits or adjudication of any contested proceeding without reasonable notice to his adversary.

Any attempt to sway the judgment of an agency, or any of its officials and employees, by the use of threats, false accusations, duress, the offer of any special inducement or promise of advantage, or the bestowing of any gift or favor or other thing of value.

ETHICS AND POLITICAL PHILOSOPHY

"Improper or indecorous conduct" during an agency proceeding; and "the commission of any act contrary to honesty, justice, or good morals" in representing an applicant.

Failure to account for "any money or property" acquired in the course of representation, or failure to use it for the purpose specified by the donor.

Knowingly or willfully advocating, advising, abetting, or teaching "the duty, necessity, desirability, or propriety of overthrowing" by force or violence the Federal or any local government.

If or when, by the passage of the bill forbidding all these things on the part of claimants or their representatives before the Federal agencies, these professional canons of the American Bar Association become law, violators will become subject to criminal or other disciplinary proceedings. And such a statute would cover several activities of competitors before the FCC for channel 10 in Miami, or of the political friends or representatives of these competitors, that have been revealed in the inquiry by the Harris subcommittee.

The fact that it was in 1954 Vom Baur wrote the subjoined passages in his article shows that these activities have been going on for years while bar associations vainly besought Congress to outlaw them:

"It is common knowledge * * * that private interviews in administrative litigation have been the rule rather than the exception, even by counsel who would not dare address a similar communication to a judge of the courts vested with judicial power. * * * It is also commonly rumored here in Washington that some personal influence has been exerted by means of these ex parte communications and has been reflected in agency decisions; and there are rumors of leaks from agencies by the private communication route."

EVERYBODY IS DOING IT

"In addition, it is common practice for Congressmen to address private communications and telephone calls to agency members, demanding decision in a particular way, or reasons for a decision. * * * But these Congressmen cannot be blamed * * * it is expected of them and everybody else is doing it. Nor can the agency members be blamed: we certainly cannot expect an agency member, appointed for a term of years only, and in the face of all this confusion, to tell a Congressman to go jump in the river. The fault lies with the system which permits it."

The major need, Vom Bauer concluded, is to "recognize the field of administrative litigation as law, by application of the professional approach, undiluted by intrigue, personal influence or doubtful ethics." That would be achieved by the passage of H. R. 3350, which would also execute the larger purpose for which the Harris subcommittee inquiry was instituted by Speaker RAYBURN. That is to determine how subject to official, political and other pressures are the agencies which Congress created to be independent, and to make them free of these pressures by such legislation as may be indicated.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D. C., March 25, 1958.

Hon. PRESCOTT BUSH,
Committee on Banking and Currency,
United States Senate,
Washington, D. C.

DEAR SENATOR BUSH: I am enclosing herewith for your information a draft of a canon of ethics which is being considered by the Securities and Exchange Commission, together with a copy of a letter which we are sending the respective chairmen of the other five major regulatory agencies.

Respectfully yours,

EDWARD N. GADSBY, *Chairman.*

SECURITIES AND EXCHANGE COMMISSION,
Washington, D. C., March 25, 1958.

DEAR SIR: We are enclosing herewith a draft of a canon of ethics which this Com-

mission has under consideration for adoption governing the conduct of its members. We are also sending a copy of this draft for the attention of some of the Members of Congress who have evidenced an interest in this matter.

While the enclosed has been drafted for use by this agency alone, it seems to us that your own agency may wish to adopt similar rules. If so, and if you think that this draft could be revised to cover your own agency as well as ours and some others, I will be very happy to receive your suggestions and will cooperate with you in making the necessary revisions or changes.

Since there seems to us to be some advantage to be gained by prompt action along this line, I would very much appreciate receiving your comments as soon as you have had an opportunity to have considered your own situation.

Sincerely yours,

EDWARD N. GADSBY, *Chairman.*

CANONS OF ETHICS FOR MEMBERS OF THE SECURITIES AND EXCHANGE COMMISSION

PREAMBLE

Members of the Securities and Exchange Commission are entrusted by various enactments of the Congress with powers and duties of great social and economic significance to the American people. It is their task to regulate varied aspects of the American economy, within the limits prescribed by Congress, to insure that our private enterprise system serves the welfare of all citizens. Their success in this endeavor is a bulwark against possible abuses and injustice which, if left unchecked, might jeopardize the strength of our economic institutions.

It is imperative that the members of this agency continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of the Commission should continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in its regulation regarding conduct of members and employees and former members and employees of the Commission most of which has been in effect for many years, and which was codified in substantially its present form in 1953. Rule 1 of said regulation enunciates a general statement of policy as follows:

"It is deeemed contrary to Commission policy for a member or employee of the Commission to—

"(a) engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority;

"(b) accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States;

"(c) discuss or entertain proposals for future employment by any person outside the Government with whom he is transacting business on behalf of the United States;

"(d) divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release;

"(e) become unduly involved, through frequent or expensive social engagements or otherwise, with any person outside the Government with whom he transacts business on behalf of the United States; or

"(f) act in any official matter with respect to which there exists a personal interest incompatible with an unbiased exercise of official judgment.

"(g) fail reasonably to restrict his personal business affairs so as to avoid conflicts of interest with his official duties."

In addition to the continued observance of these foregoing principles of personal conduct, it is fitting and proper for the members of the Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative, and judicial responsibilities.

1. CONSTITUTIONAL OBLIGATIONS

The members of the Securities and Exchange Commission have undertaken in their oaths of office to support the Federal Constitution. Insofar as the enactments of the Congress impose executive duties upon the members, they must faithfully execute the laws which they are charged with administering. Members shall also carefully guard against any infringement of the constitutional rights, privileges, or immunities of those who are subject to regulation by the agency.

2. STATUTORY OBLIGATIONS

In administering the law, members of the Securities and Exchange Commission should vigorously enforce compliance with the law by all persons affected thereby. In the exercise of the rulemaking powers delegated the agency by the Congress, members should always be concerned that the rulemaking power be confined to the proper limits of the law and be consistent with the intent of the Congress. In the exercise of their judicial functions, members shall honestly, fairly, and impartially determine the rights of all persons under the law.

3. PERSONAL CONDUCT

Appointment to the office of Commissioner of the Securities and Exchange Commission is a high honor and requires that the conduct of a member, not only in the performance of the duties of his office but also in his everyday life, should be beyond reproach.

4. RELATIONSHIP WITH OTHER MEMBERS

Each member should recognize that his conscience and those of other members are distinct entities and that differing shades of opinion should be anticipated. The free expression of opinion is a safeguard against the domination of the agency by less than a majority, and is a keystone of the commission type of administration. However, a member should never permit his personal opinion so to conflict with the opinion of another member as to develop animosity or unfriendliness in the agency. Every effort should be made to promote solidarity of conclusion. Unless there are differences of opinion based on fundamental principle, dissenting opinions are to be discouraged.

5. MAINTENANCE OF INDEPENDENCE

The Securities and Exchange Commission has been established to administer laws enacted by the Congress. Its members are appointed by the President by and with the advice and consent of the Senate to serve terms as provided by law. However, under the law, this is an independent agency, and in performing their duties, members should exhibit a spirit of firm independence and reject any effort by representatives of the executive or legislative branches of the Government to affect their independent determination of any matter being considered by the agency. A member should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety; so also he should be above fear of unjust criticism by anyone.

6. RELATIONSHIP WITH PERSONS SUBJECT TO AGENCY REGULATION

In all matters before him, a member should administer the law without regard to any personality involved. His attention should be directed only to the issues. Members should not become indebted in any way to persons who are or may become subject to their jurisdiction. No member should accept the loan of anything of value or accept presents or favors from persons who are regulated or who represent those who are regulated. In performing their judicial functions, members should avoid discussion of a matter with any person outside the agency while the matter is pending. In the performance of their rulemaking and administrative functions, a member has a duty to solicit the views of interested persons. Care must be taken by a member in his relationship with persons outside of the agency to separate the judicial and the rulemaking functions and to observe the liberties of discussion respectively appropriate. Insofar as it is consistent with the dignity of his official position, he should maintain such contact with the persons who may be affected by his rulemaking functions as is necessary for him fully to understand their problems, but he should not accept unreasonable or lavish hospitality in so doing.

7. QUALIFICATION TO PARTICIPATE IN PARTICULAR MATTERS

The question of qualification of an individual member to vote or participate in a particular matter rests with that individual member. Each member should weigh carefully the question of his qualification with respect to any matter wherein he or any relatives or former business associates or clients are involved. He should disqualify himself in the event he obtained knowledge prior to becoming a member of the facts at issue before him in a quasi-judicial proceeding, or in other types of proceeding in any matter involving parties in whom he has any interest or relationship directly or indirectly. If an interested person suggests that a member should disqualify himself in a particular matter because of bias or prejudice, the member shall be the judge of his own qualification.

8. IMPRESSIONS OF INFLUENCE

A member should not, by his conduct, permit the impression to prevail that any person may unduly influence him, that any person unduly enjoys his favor or that he is unduly affected in any way by the rank, position, prestige, or affluence of any person.

9. EX PARTE COMMUNICATIONS

Matters of a quasi-judicial nature should be determined by a member solely upon the record made in the proceeding and the arguments of the parties or their counsel properly made in the regular course of such proceeding. All communications by parties or their counsel to a member in a quasi-judicial proceeding which are intended or calculated to influence action by the member should at once be made known by him to all parties concerned. A member should not at any time permit ex parte interviews, arguments, or communications designed to influence his action in such a matter.

10. AGENCY OPINIONS

Members should take care that agency opinions state the reasons for the action taken and contain a clear showing that no serious argument of counsel has been disregarded or overlooked. In such manner, a member shows a full understanding of the matter before him, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute some useful precedent to the growth of the law. A member should be guided in his decisions by a deep regard for the integrity of the system of law which he administers. He should recall that he is not a repository of arbitrary power, but is acting on behalf of the public under the sanction of the law.

11. JUDICIAL REVIEW

The Congress has provided for review by the courts of the decisions and orders by the Securities and Exchange Commission. Members should recognize that their obligation to preserve the sanctity of the laws administered by them requires that the agency

pursue and prosecute vigorously and diligently but at the same time fairly and impartially and with dignity all matters which they or others take to the courts for judicial review.

12. LEGISLATIVE PROPOSALS

Members must recognize that the changing conditions in a volatile economy may require that they bring to the attention of the Congress proposals to amend, modify or repeal the laws administered by them. They should urge the Congress, whenever necessary, to affect such amendment, modification or repeal of particular parts of the statutes which they administer. In any such action a member's motivation should be the common weal and not the particular interests of any particular group.

13. INVESTIGATIONS

The power to investigate carries with it the power to defame and destroy. In determining to exercise their investigatory power, members should concern themselves only with the facts known to them and the reasonable inferences from those facts. A member should never suggest, vote for, or participate in, an investigation aimed at a particular individual for reasons of animus, prejudice or vindictiveness. The requirements of the particular case alone should induce the exercise of the investigatory power, and no public pronouncement of the pendency of such an investigation should be made in the absence of a reasonable suspicion that the law has been violated or reasonable evidence that the public welfare demands it.

14. THE POWER TO ADOPT RULES

The Securities and Exchange Commission in exercising its rulemaking power performs a legislative function. The delegation of this power by the Congress implies the obligation upon the members to adopt rules to effectuate the policies of the statute and the intent of the Congress in the interest of all of the people. Care should be taken to avoid the adoption of rules which seek to extend the agency's power beyond proper statutory limits. Agency rules should never tend to stifle or discourage legitimate business enterprise or activities, nor should they be interpreted so as unduly and unnecessarily to burden those regulated with onerous obligations. On the other hand, the very statutory enactments evidence the need for regulation, and the necessary rules should be adopted or modifications made or rules should be repealed as changing requirements demand without fear or favor.

15. PROMPTNESS

Each member should promptly perform the duties with which he is charged by the statutes. The agency should evaluate continuously its practices and procedures to assure that it promptly disposes of all matters affecting the rights of those regulated. This is particularly desirable in quasi-judicial proceedings. While avoiding arbitrary action in unreasonably or unjustly forcing matters to trial, members should endeavor to hold counsel to a proper appreciation of their duties to the public, their clients, and others who are interested. Requests for continuances of matters should be determined in a manner consistent with this policy.

16. CONDUCT TOWARD PARTIES AND THEIR COUNSEL

Members should be temperate, attentive, patient, and impartial when hearing the arguments of parties or their counsel. Members should not condone unprofessional conduct by attorneys in their representation of parties. The agency should continuously assure that its staff follows the same principles in their relationships with parties and counsel.

17. BUSINESS PROMOTIONS

A member must not engage in any other business, employment or vocation while in office, nor may he ever use the power of his office or the influence of his name to promote the business interests of others.

18. FIDUCIARY RELATIONSHIPS

A member should avoid serving as a fiduciary if it would interfere or seem to interfere with the proper performance of his duties, or if the interests of those represented require investments in enterprises which are involved in questions to be determined by him. Such relationships would include trustees, executors, corporate directors, and the like.

19. AGENCY ORGANIZATION

Members and particularly the Chairman of the agency should scrutinize continuously the internal organization of the agency in order to assure that such organization handles all matters before it efficiently and expeditiously, while recognizing that changing times bring changing emphasis in the administration of the laws.

DAY CARE ASSISTANCE ACT OF 1958

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to authorize the Department of Health, Education, and Welfare to make grants to the States up to $25 million annually, on a matching basis, to assist in providing facilities and services for children who need day care outside their homes. The Day Care Assistance Act of 1958 would make available such care to the children of working mothers and also to children who require such special attention because they are mentally or physically handicapped.

The bill provides for the appropriation of $25 million annually for Federal grants to States which have submitted plans which receive approval of the Department for the establishment of day-care centers; and these grants will match the funds allocated by the State governments.

I ask unanimous consent that the bill be held at the desk until Tuesday, so as to enable other Senators to join in sponsoring it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, such a program to encourage localities to assist children who are afflicted with special handicaps, such as the mentally retarded and the blind, is undeniably long overdue. At the same time, the need to help make it possible for mothers with small children to work has been growing steadily; today the United States has some 2 million more women in the labor force than it had during the peak war production year of 1944. The establishment of these day-care centers, therefore, is definitely in the national interest, since it is surely as important now, during the cold war, for the Federal Government to give financial support to a day-care program as it was during World War II. Then this type of Federal aid was extended under the Lanham Act, but was quickly discontinued early in 1946.

Today the Census Bureau estimates that there are between 2 million to 3 million children under 6 years of age whose mothers work. However, no more than about 15 percent of the total are in day-care centers. Practical experience shows that the States cannot or will not carry the responsibility for the day care of young children that is demanded by the national interest. In addition, approximately 2½ million children of ages 6 through 11 require after-school care. It is estimated that by 1975, 1 out of every 3 workers will be a woman. I believe we have an obligation to work cooperatively with the States and municipalities therein to provide proper care for the overwhelming majority of children to whom centers for day care are not now available.

It is interesting to note that in the Soviet Union, which has become largely a nation of working mothers, because of the enormous labor force needed to support its rapidly expanding national economy, child-care facilities have become an integral community service in many areas. Since we have been calling upon our women to assist in the national effort to increase our total productivity and to meet the accelerating Soviet challenge in the cold war, we should begin immediately to place emphasis on helping solve some of the problems which must arise as more mothers join the Nation's working force.

Under the terms of the bill, the Department of Health, Education, and Welfare will be charged with the responsibility of administering the program through its Children's Bureau. The bill further empowers the Secretary to draw up regulations governing the administration of the program, and provides that any funds granted a State for day care and not spent for those purposes, shall be repaid. Should any State which participates in the program find that it does not require all the Federal funds allocated, the Secretary may reassign the surplus amounts to other States. A system of appeal and judicial review of rulings by the Secretary is also provided.

Mr. President, the bill also will make a most important contribution in connection with the problem of dealing with juvenile delinquency and youth crime, for, by means of the bill, children in their early years will be given the kind of care which many families cannot provide, even though the children urgently need it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4067) to authorize the Secretary of Health, Education, and Welfare to make grants to the States to assist in the provision of facilities and services for the day care of children, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXEMPTION OF CERTAIN PROFESSIONAL TEAM SPORTS FROM APPLICATION OF ANTITRUST LAWS

Mr. HENNINGS. Mr. President, I introduce, for appropriate reference, a bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes.

The bill would, if enacted, exempt from the operation of the antitrust laws certain traditional practices common to baseball, football, basketball, and hockey. It would protect the major professional sports from crippling legal harassment.

I feel such exemptions are necessary if we are to preserve our present pattern of professional sports on a nationwide basis. Although professional sports are businesses, they are unique businesses. The Supreme Court has twice ruled that professional baseball is unique in certain respects and is not subject to all of the antitrust laws. However, the Court did not include other organized sports in their rulings. The Court, in fact, invited Congress to lay down the guidelines in these matters. This bill would provide such guidelines.

The sports covered by the bill operate under the hottest glare of publicity. This in itself serves to correct any abuses which might occur. However, section 4 of the proposed bill provides additional protection to players by specifically continuing their right "to bargain collectively, or to engage in other associated activities for their mutual aid and protection." This applies to the players who may engage in the four sports.

Participation in sports, especially baseball, has grown steadily in the past 50 years. If the national pastime is to survive and thrive, it cannot be made subject to exactly the same rules which apply to other commercial businesses. For example, baseball has little or no impact on the general economy of the United States, and such effect as it does have is a favorable one. If enacted, the bill would stabilize baseball as a great national institution which gives pleasure to millions of Americans.

The State of Missouri is indeed fortunate in having two major-league baseball teams. The St. Louis Cardinals is an old and beloved organization which currently is in second place in the National League, being only one-half game from first place.

The Kansas City Athletics is a newer team, but, I might add, the Athletics are also in second place in the American League. The citizens of Missouri take great pride in their teams and want to keep them as they are, except we hope to change their league standings by moving them into first place.

Mr. President, there are no figures, of course, showing exactly how many players and spectators participate in and enjoy professional sports, but the number must run to many, many millions.

I know the present occupant of the chair, the Senator from Washington [Mr. MAGNUSON], being a former athlete, is a devoted follower of professional sports, and I am sure he would agree that the people who are interested in these sports number many millions.

As chairman of the Senate Committee on Juvenile Delinquency and as a longtime worker in the Big Brothers of America, I am convinced that organized sports play a big factor in guiding youngsters along the right path.

The continuance of organized sports on the high plane of integrity which the various sports have built for themselves as self-regulated businesses is essential to the field of sports as a whole, both professional and amateur.

Mr. President, I believe that a number of Senators will wish to join me in sponsoring this bill. Therefore, I ask unanimous consent that it lie on the table until July 2. I welcome the support of all Senators in this proposed legislation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HENNINGS. Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4070) to limit the applicability of the antitrust law so as to exempt certain aspects of designated professional team sports, and for other purposes, introduced by Mr. HENNINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the act of July 2, 1890, as amended (26 Stat. 209); the act of October 15, 1914, as amended (38 Stat. 730); and the Federal Trade Commission Act, as amended (38 Stat. 717), shall not apply to any contract, agreement, rule, course of conduct, or other activity by, between, or among persons conducting, engaging in, or participating in the organized professional team sports of baseball, football, basketball, and hockey which relates to—

(1) the equalization of competitive playing strengths;

(2) the employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts;

(3) the right to operate within specified geographic areas;

(4) the regulation of rights to broadcast and telecast reports and pictures of sports contests; or

(5) the preservation of public confidence in the honesty in sports contests.

SEC. 2. As used in this act, "persons" means any individual, partnership, corporation or unincorporated association, or any combination or association thereof.

SEC. 3. Nothing in this act shall affect any cause of action existing on the effective date hereof in respect to the organized professional team sports of baseball, football, basketball, or hockey.

SEC. 4. Nothing in this act shall be construed to deprive any players in the organized professional team sports of baseball, football, basketball, or hockey of any right to bargain collectively, or to engage in other associated activities for their mutual aid or protection.

SEC. 5. Except as provided in section 1 of this act, nothing contained in this act shall affect the applicability of the antitrust laws to the organized professional team sports of baseball, football, basketball, or hockey.

IMPROVEMENT OF HOUSING AND RENEWAL OF URBAN COMMUNITIES—AMENDMENTS

Mr. SMATHERS submitted amendments, intended to be proposed by him, to the bill (S. 4035) to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes, which were ordered to lie on the table, and to be printed.

TECHNICAL CHANGES IN FEDERAL EXCISE TAX LAWS—AMENDMENT

Mr. DIRKSEN submitted an amendment, intended to be proposed by him to the bill (H. R. 7125) to make technical changes in the Federal excise tax laws, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

AUTHORIZATION FOR COMMITTEE TO FILE REPORT

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry may have until midnight Saturday, June 28, to file a report, together with minority and individual views, on an original bill to provide more effective price, production adjustment, and marketing programs for various agricultural commodities.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the RECORD, as follows:

By Mr. KEFAUVER:

Address delivered by him at George Peabody College for Teachers conference on the consumer in American life, Nashville, Tenn., on June 23, 1958.

By Mr. LONG:

Statement by him on the Dukes of Dixieland jazz band.

NOTICE OF CONSIDERATION OF THE NOMINATION OF WILLIAM H. G. FITZGERALD TO BE DEPUTY DIRECTOR FOR MANAGEMENT, INTERNATIONAL COOPERATION ADMINISTRATION, DEPARTMENT OF STATE

Mr. GREEN. Mr. President, the Senate has today received the nomination of Mr. William H. G. FitzGerald, of Connecticut, to be Deputy Director for Management of the International Cooperation Administration, Department of State.

Notice is hereby given that the nomination will be eligible for consideration by the Committee on Foreign Relations after the expiration of 6 days, in accordance with the committee rule.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President. The following nomination has been received and is now pending before the Committee on the Judiciary:

Eva Bowring, of Nebraska, to be a member of the Board of Parole, term expiring September 30, 1964.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in the nomination to file with the committee, in writing, on or before Saturday, July 5, 1958, any representations or objections they may

wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

DEATH OF JAMES L. McCONAUGHY, JR., AND OTHER PASSENGERS IN AIRPLANE ACCIDENT

Mr. MANSFIELD. Mr. President, it was with a sense of shock and deep regret that I heard over the radio of the untimely passing of James L. McConaughy, Jr. in an airplane accident.

I have known Jim McConaughy for almost 16 years; he has been on the Washington scene for as long as I have been a Member of the Congress of the United States. He was a great newspaperman, a good friend, and a man whose passing from the Washington scene will be missed deeply. Jim McConaughy has a distinguished record as a marine during the Second World War, and as a Time correspondent on the Hill, and, at the time of his passing, as chief of the Washington staff of that publication.

Words are difficult to use to express one's feelings, because they say so little when one feels so much. Jim McConaughy will be missed because he typified a rare combination of friendliness, understanding, and integrity.

To Mrs. McConaughy and the family I extend my condolences and deepest sympathy. May his soul rest in peace.

Mr. BUSH. Mr. President, I note, with deep regret, the untimely death of James L. McConaughy, Jr., head of the Washington bureau of Time-Life, Inc.

Jim McConaughy was the son of a distinguished former Governor of the State of Connecticut. His mother and sister live in a beautiful section of our State, and I take this occasion to express to them my heartfelt sympathy at this very difficult time. Likewise, I express the same sentiments to Mrs. James McConaughy, Jr., widow of my good friend.

Jim McConaughey spent many hours in the Senate Gallery before us. Few men have had such an understanding of the Senate of the United States. Few men have been able so objectively to analyze the procedures of the Senate and to understand its operations. Few men in his profession knew so many Senators so well and judged them so fairly.

The loss of Jim McConaughy, of course, is a grievous one to his family and very wide circle of friends. The Time-Life organization has lost one of its most effective reporters and brilliant writers, and the United States Senate has lost one of its most able and critical observers. This is a sad day indeed for all who knew James McConaughy, Jr.

Mr. JACKSON. Mr. President, I associate myself with the remarks made by the distinguished Senator from Connecticut. I had the privilege of knowing Jim McConaughy for many years. He represented the very best in the journalistic profession. We who knew him personally honored him as a friend. His death is a great loss to us personally and a great loss to journalism.

Mr. BUSH. Mr. President, I thank the Senator from Washington. I am certain that the family of Mr. McConaughy will appreciate the Senator's remarks.

Mr. CASE of South Dakota. Mr. President, I, too, feel a great sense of loss in the untimely passing of Jim McConaughy, for reasons which I shall not take the time of the Senate now to detail. Suffice to say that I had occasion personally to appreciate and realize to the fullest the fairness, the objectivity, and the accuracy which dictated the work of Jim McConaughy. I did not know him intimately; I knew him only because of his work in reporting the activities of the Senate. But I say with deep feeling that I know Jim McConaughy lived up to the truest and finest traditions of the members of the fourth estate. It is a loss to the country when a man like Jim dies in an accident such as has been reported.

I may say also that I feel the country has suffered a great loss in the untimely death in the same accident of Glenn A. Williams and Gen. A. Robert Ginsburgh. I knew General Ginsburgh when he was a colonel and an associate of Robert W. Patterson, when Mr. Patterson was Secretary of the Army. He, too, served his country well. Both General Ginsburgh and Mr. Williams were respected as students and writers. I know they were highly valued members of the staff of the United States News & World Report. They had the confidence of their associates in that organization.

This accident stresses again the price we pay in this day for the advances which are made in the field of aviation. I hope that the bereaved families may find some consolation in the knowledge that we who knew these men for their work will remember them for the constructive contributions they made to the understanding of the problems of our times.

Mr. KUCHEL. Mr. President, many fine Americans lost their lives in yesterday's tragic accident. Both my wife and I were exceedingly saddened to read the account in this morning's newspapers and to learn that among those who perished was the excellent and outstanding journalist to whom the able Senator from Connecticut [Mr. BUSH] has just referred.

I was very proud to count James McConaughy a friend. He was one of the journalists in this city with whom I became, during the past several years, quite well acquainted. I was with him in my own State of California, in San Francisco, just a few weeks ago. From time to time I enjoyed the pleasure of discussing with him many of the problems, great and small, which confront us in the Senate.

Mr. President, the Kuchel family associates itself with the able Senator from Connecticut and the other Senators who have spoken and, I assume, will speak in extending to the family of the late James McConaughy our unbounded sympathies and our deep feelings of condolence on the loss of a very fine and distinguished American, a great journalist, and one whom many in this Chamber could call, in very truth, a friend.

Mr. NEUBERGER. Mr. President, I, too, associate myself with what has been said earlier about all the journalists who perished in the tragic plane crash, and particularly with what was said about Jim McConaughy and the illustrious Gen. A. Robert Ginsburgh, who served us well in war and peace.

I first knew Jim McConaughy when he was the chief of the Time magazine bureau in the Pacific Northwest, with headquarters in Seattle. That friendship was renewed when I came to Washington.

In my opinion, Jim McConaughy was a journalist who was always fair, accurate, and just. He did not violate the confidences which are necessarily so often given by those in public life to the people who report their activities.

Not only have his employers lost a capable reporter; not only have the American people lost someone who tried to inform them reliably; but, above all, his family has lost a person of integrity, sincerity, and the highest personal principles.

I think this crash calls to our attention one undeniable thing: the risks taken by the members of the fourth estate, who try their best to acquaint the American people with the events of this troubled and critical age.

When I was in the military service, I was always impressed with the fact that we in that service received many encomiums. When we came home, we qualified for the various buttons, badges, and veterans' benefits. Yet the persons engaged in journalism often took more risks, went on more hazardous plane flights, or equally hazardous; they traveled in submarines or went on long marches and endured all the hardships and difficulties sustained by those in the military service.

This crash not only brings to our mind the individuals, the citizens who can never be replaced, but the fact that American working journalists by and large, are a group of honest, reliable and courageous individual citizens. They take many risks in the line of duty, so that the residents of a free Nation may be informed.

I thank the Senator from Connecticut for having called this tragedy to our attention today.

Mr. President, I ask unanimous consent that a news item from the Washington Post and Times Herald of today, relating to the tragic airplane accident, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIX NEWSMEN ARE AMONG VICTIMS—PLANE 1 OF 4 ATTEMPTING NEW ATLANTIC RECORD

WESTOVER AIR FORCE BASE, MASS., June 27.—Fifteen persons, including six newsmen, were killed early today when the third of four giant jet tankers attempting record hops between the United States and England crashed shortly after takeoff.

The plane, a KC–135 jet tanker, crashed and burst into flames about a mile and a half from the end of the runway. The first two planes took off virtually on schedule, starting at 11:52 p. m. (EDT) last night.

The Air Force said that 7 crew members, 6 newsmen, and 2 representatives of the National Aeronautics Association were killed.

CIVILIANS IDENTIFIED

These civilian dead were identified by the Air Force:

Daniel J. Coughlin, Associated Press, Boston.

Norman Montelliere, United Press International.

A. Robert Ginsburgh, U. S. News & World Report.

Glenn A. Williams, U. S. News & World Report.

James McConaughy, Time magazine.

Robert Sibley, Boston Herald Traveler.

William Cochran, National Aero Association.

William Enyart, National Aero Association.

[United Press International said the Air Force listed the crew as: Brig. Gen. Donald W. Saunders, commander of the 57th Air Division, Westover AFB, airborne commander of the flight; aircraft commander, Lt. Col. George M. Broutsas, 39, Brattleboro, Vt., commander of the 99th Air Refueling Squadron; pilot, 1st Lt. Joe C. Sweet, 26, Chandler, Ariz.; navigator, Capt. James E. Shipman, 35, Kansas City, Kans.; M. Sgt. Donald H. Gabbard, 38, Los Gatos, Fla.; S. Sgt. Joseph G. Hutter, Miami, Fla.; and Capt. John B. Gordon, 30, third pilot (no address available).]

FLAMES COVER 3 MILES

A Springfield Union reporter said the crash scene "looked like a dump burning over a 3-square-mile area."

The stricken plane was nicknamed Cocoa for the assault on air speed records between New York and London. All four planes had been scheduled to fly over New York to begin actual clocking.

The second plane departed exactly 15 minutes after the first took off.

Two of the four planes had been scheduled to attempt a new record for a nonstop, round trip between New York and London. The other 2 had been scheduled to try for new marks for 1-way flights.

Mr. KEFAUVER. Mr. President, I associate myself with the remarks of the Senator from Connecticut and other Senators in paying high tribute to the life, work, and character of James McConaughy. He was an outstanding member of the press and brought dignity and respect to the fourth estate. I join in expressing sympathy to his wife and family.

Mr. MONRONEY. Mr. President, I associate myself with the other Senators who have expressed their deep sense of loss in the death of the many great journalists, former associates of ours, who have covered the Hill so long and so well.

Jim McConaughy was a great working newspaperman, a leg man, who always wanted to be on the scene when the story was breaking. I think, since he had to die, he would rather have died while covering a story than in any other way.

The tragedy has resulted in the loss of a man who has most ably interpreted the various trends and particularly the operation of our great legislative system. Any time the Nation loses the services of a journalist of this character and caliber, it has lost something great in the extracurricular parts of our system, which truly make democracy work.

I express my deep sympathy to Mr. McConaughy's wife and family.

Mr. CARLSON. Mr. President, I could not let this opportunity pass without expressing my personal loss in the most tragic and untimely death of Jim McConaughy. Jim was a very personal friend of mine. Our friendship dates back to 1951, when a presidential campaign began to shape up. Not only have we been together in many campaigns, but we have visited in my State. I have experienced a personal loss, and the Nation has suffered a great loss, in the most regrettable death of a fine journalist.

I sincerely hope and pray for God's blessing and comfort for his family at this time of their great loss.

Mr. JAVITS. Mr. President, I, too, knew Jim McConaughy, both when I served in the other body and also during my service in the Senate. Not only was he a fine newspaper reporter, but he was also a fine and great friend, and often was glad to advise with us as to how he thought a particular story might best be handled in our own interest and in the interest of the cause for which we were working, as well as in the interest of his publication.

Jim McConaughy had a fine intellect and a fine character.

It is terribly sad that he should be taken from us at this time in his life.

I join my colleagues in expressing sincere condolences to his family.

Mr. CASE of New Jersey. Mr. President, the news which reached us this morning came with so great a shock that it is impossible to state adequately how we feel. But I desire to join my colleagues in their expressions of their great loss at the passing of Jim McConaughy.

He was a friend for whom I had enormous affection. He was an able recorder, for whose work I—along with all other Members—had the greatest respect.

Mr. President, on behalf of Mrs. Case and myself, and also on behalf of the members of my staff, I wish to express not only my deep sorrow at his death, but also our warm and sincere sympathy to the members of his family.

Mr. BRIDGES. Mr. President, I was shocked and saddened this morning to learn of the tragic airplane accident which claimed the lives of 15 persons, including 6 newswriters. Three of them I knew personally, and I held them in high esteem. I speak of Jim McConaughy of Time magazine, Glenn Williams and Bob Ginsburgh, of U. S. News & World Report magazine.

I am sure that amid the clatter of typewriters and teletype machines in the press, periodical and radio-television galleries of the Senate and House there is today sadness in the hearts of their associates, just as there is sadness in the hearts of many Members of Congress who knew and respected these gentlemen during the years they covered the Washington scene for their respective publications.

I knew Jim McConaughy very well. He was, in my opinion, one of the most highly respected journalists in Washington. He was a neat and soft-spoken gentleman who possessed a fine character and charming personality. I have always considered him to be a highly intelligent and very objective writer. I shall miss him very much as will his associates in Washington, and I am sure the editors of Time magazine will feel deeply the loss of such an able representative.

I am proud that Jim McConaughy was a New Englander. His father, who is a former Governor of Connecticut, was also a close personal friend of mine.

It was my pleasure to have become well acquainted with Glenn Williams and Bob Ginsburgh and they, too, in the time I knew them, were among the top echelon of journalists in Washington. I visited with them many times in my office and in the halls of the Capitol, and we often discussed at length the changing national and international scenes. They were fine gentlemen, journalists who, in press terminology, "knew their business."

All of these men had to know their business in order to represent such outstanding publications as Time and U. S. News & World Report.

I did not know personally the other newsmen who lost their lives, but I had heard of their reputations in their respective areas, especially Boston, and they, too, I understood, were among the finest of newswriters.

Mr. President, I am sure that Members on both sides of the aisle will join with me in extending our deep sympathy to the grief-stricken families of these journalists, and to the families of members of the airplane crew who gave their lives in what they hoped would be a historic flight to England.

Mr. MORSE. Mr. President, it is sad news that 1 of the 4 jet planes making a speed test from Westover Air Base to England crashed this morning. Several persons were killed in the accident, and the death of each was a tragedy. Three of them were personal friends of mine.

Among the victims was a man well known to Members of the Senate, James M. McConaughy, chief of the Washington bureau of Time-Life.

I have always found Jim McConaughy to be a man of honor and a reporter of great distinction. I do not know what his politics were; but I have no doubt what his character was. He was a conscientious reporter who sought the truth and transmitted it to his superiors without bias. In 1956 it was the privilege of Mrs. Morse and myself to have Jim McConaughy as a guest in our home in Eugene, Oreg. A more delightful guest one could not have entertained. During his visit with us in our home I had the delightful experience of discussing with him at great length many subjects. He was a journalist of the highest type, and a great representative of a great profession. He regarded his job as a public trust. He viewed his task as providing the public with information about the functioning of their Government.

To his family and colleagues, Mrs. Morse and I tender our profound condolences. His publications have lost a man of ability and moral courage. The Senate has lost a reporter and interpreter who understood the great truths of democracy.

The public has lost a servant in the richest meaning of the term. Here was a man who recognized the public-trust character of the journalistic profession and who believed in that great tenet of

his profession: Ye shall know the truth, and the truth shall make ye free.

Mr. President, a couple of hours after I heard of the death of Jim McConaughy I also learned that I had lost two other friends in the tragic crash of the jet plane. They are Glenn A. Williams, associate editor of U. S. News & World Report, and Gen. A. Robert Ginsburgh.

Many of us in the Senate who have served on the Committee on Armed Services came to know General Ginsburgh rather intimately. I knew him not only in connection with his professional work, but it was my privilege to know him also on a social level.

General Ginsburgh and Mr. Williams also like Jim McConaughy were two other newspapermen who performed their duties with great ability and in keeping with the public trust they owed to their publications. Mrs. Morse joins me in expressing to their families our sincerest sympathy and our prayer for strength in this hour of bereavement.

Mr. SYMINGTON. Mr. President, I join my colleague in expressing very deep regret at the sad news about Jim McConaughy. There was no finer reporter on the Hill or anywhere else and no better friend to us all than Jim McConaughy.

It seems incredible that this able and gracious gentleman should have left us so quickly.

I should also like to associate myself with the remarks of my colleague with respect to Gen. Robert Ginsburgh. General Ginsburgh and I worked together when I was with the Air Force.

Bob Ginsburgh was a devoted and dedicated public servant. The Air Force and the Nation will miss these two men a very great deal. My wife and I express our deep sympathy to the families of these two outstanding Americans.

Mr. MORSE. I am pleased to have the Senator associate himself with my remarks in memory of these fine men.

Mr. BUSH. Mr. President, I should like to express to all my colleagues my appreciation for their expressions of sympathy and grievous loss at the death of our friend, Jim McConaughy. In doing so, I believe I can speak for the members of Jim McConaughy's family.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NEUBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ACTIVITIES OF THE NATIONAL LUMBER MANUFACTURERS ASSOCIATION IN CONNECTION WITH S. 3051—A BILL TO AMEND THE KLAMATH INDIAN TERMINATION ACT

Mr. NEUBERGER. Mr. President, on May 7, 1958, by unanimous action of the Senate, there was passed and sent to the House a bill, S. 3051, to amend the Klamath Indian Termination Act of 1954. Briefly, the purpose of this proposed legislation, which I sponsored at the request of Secretary of the Interior Seaton, is to prevent the destruction of the Klamath Indian Reservation forest lands and vital wildlife marsh in Oregon, and provide for a fair price to the Indians for the valuable assets belonging to the tribe, which must be sold.

There is a long legislative history behind the passage of S. 3051, which I shall not attempt to relate at this time. Suffice to say that ever since I became a Member of the Senate the Klamath termination dilemma, created by the act of August 13, 1954, Public Law 587, 83d Congress, has been before us. After years of study and investigation by the Department of the Interior, the committees of Congress, and various outside groups, general agreement has been reached on the solution to the problem in the form of S. 3051. The bill is now before the Subcommittee on Indian Affairs of the House, where it is being marked up preparatory to consideration by the full House Committee on Interior and Insular Affairs. It is my hope that the legislation will soon be acted on and sent to the President; otherwise, Public Law 587 will become effective and the disposal of billions of board feet of the finest ponderosa pine timber, at bargain-basement rates, will commence.

Mr. President, we have arrived at the 11th hour with respect to the Klamath Indian situation. Within the next 8 weeks or less will be decided the fate of hundreds of thousands of acres of Klamath timberlands, thousands of acres of marshlands within the reservation which serve as a resting place for millions of wildfowl in their migration along the Pacific flyway—and the entire economy of southeastern Oregon. But, alas, Mr. President, there is one group that is intent on preventing the adoption of a bill to forestall these calamities—the National Lumber Manufacturers Association.

CONSISTENT HOSTILITIES TO BILL SHOWN BY NLMA

On previous occasions, I have discussed the reprehensible tactics of the National Lumber Manufacturers Association in attempting to kill S. 3051, and I had hoped that their position on the bill had been so thoroughly repudiated that there would be no further need to discuss it. However, within the last few days, this same organization, through one of its spokesmen, has written to the chairman of the House Subcommittee on Indian Affairs, urging that S. 3051 be stripped of its provision for sustained-yield timber management of the Klamath forest.

Mr. President, I shall disclose the irresponsible hit-and-run tactics to which the National Lumber Manufacturers Association has resorted on the Klamath question. Beginning in May of 1957, after the introduction of S. 2047, a bill sponsored by myself and my distinguished senior colleague [Mr. MORSE] to provide for Federal acquisition of the Klamath Reservation, the National Lumber Manufacturers Association, through its vice president and general counsel, Mr. Henry Bahr, wrote to the chairman of the Committee on Interior and Insular Affairs, Senator JAMES E. MURRAY, of Montana, asking that his organization be notified when hearings were to be held on the bill.

Mr. President, I ask that the letter to which I have referred be inserted in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., May 31, 1957.

Hon. JAMES E. MURRAY,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D. C.

DEAR SENATOR MURRAY: We have recently written you asking that you keep us advised of any hearings or other action with respect to several bills pending before your committee. We would appreciate it if you would also give us the same information on the following bill, as well as related bills, for which we are enclosing memorandum which can be kept in the bill file:

S. 2047, to provide for the acquisition by the United States of tribal lands of the Klamath Tribe of Indians.

A brief note or telephone call to my office (Decatur 2–1050) will be adequate for our purpose.

Your cooperation is very much appreciated.

Sincerely,

HENRY BAHR,
Vice President and General Counsel.

FILES ON S. 2047

When hearings or other action on S. 2047 is scheduled, Henry Bahr, general counsel of the National Lumber Manufacturers Association, 1319 18th Street NW., Washington, D. C. (telephone: Decatur 2–1050) would like to be advised.

Mr. NEUBERGER. Mr. President, in early September 1957, I sent out notices that the Subcommittee on Indian Affairs would hold hearings on S. 2047 in Klamath Falls and Portland, Oreg., during the first week in October, and further requested those desiring to testify to contact the subcommittee staff in order that an agenda might be prepared. On September 18, the National Lumber Manufacturers Association, through its representative, Mr. A. Z. Nelson, telegraphed me asking for assurance that an opportunity would be offered his organization to testify. A member of my staff called Mr. Nelson on September 19 and gave him assurance that he or any other National Lumber Manufacturers Association spokesman would be scheduled to be heard at Portland. On September 30, the eve of our field hearings, Mr. Nelson notified the staff that no National Lumber Manufacturers Association witness would appear at the hearing, but that a written statement would be filed with the committee at a later date.

Mr. President, I ask that the telegram just alluded to be inserted at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *September 18, 1957.*

Senator RICHARD L. NEUBERGER,
Chairman, Subcommittee on Indian Affairs, Senate Interior and Insular Affairs Committee, Washington, D. C.:

Have been advised that your Subcommittee on Indian Affairs will hold hearings on

S. 2047 at Klamath Falls, Oreg., on October 2 and 3, and Portland, Oreg., on October 4. Will a subsequent Washington, D. C., hearing be held on this measure by your subcommittee? If so, can we receive assurance from you that we will be granted opportunity to testify? If no Washington, D. C., hearing is planned, we respectfully request opportunity to make our position known on S. 2047 either at Klamath Falls hearing or Portland hearing by oral testimony or by filing a formal statement for the record.

A. Z. NELSON,
National Lumber Manufacturers Association.

Mr. NEUBERGER. Mr. President, we have all heard many times the adage about the right hand not knowing what the left hand is doing. That is an accurate description of the National Lumber Manufacturers Association in connection with our hearings on S. 2047. Notwithstanding the request to testify in the telegram of September 18, 1957, and the telephone conversation with National Lumber Manufacturers Association spokesman on September 19, their Mr. Henry Bahr wrote to Richard L. Callaghan, chief clerk of the Senate Interior and Insular Affairs Committee, on September 19, complaining that no notice was given of our hearings. I request that this letter, together with Mr. Callaghan's response of October 25, 1957, be inserted in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., September 19, 1957.

Mr. RICHARD L. CALLAGHAN,
Chief Clerk, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D. C.

DEAR MR. CALLAGHAN: In order to carry out our responsibility to keep our industry informed of developments in Washington which concern them, we have written on several occasions to the Senate Committee on Interior and Insular Affairs and other Congressional committees requesting that we be advised of hearings or other actions on measures pending in the respective committees affecting the lumber business. Recognizing that Congressional committees generally have a tremendous administrative workload, we try to limit our requests for information to bills which we believe to be of considerable importance to our industry, in order to avoid unnecessary burdening of the committee staffs.

For the convenience of the committee staff we have enclosed with our letters a memorandum intended to be included in the committee's active bill file containing a reminder to notify us in the event hearings or other action is scheduled. Our experience has been that this system has worked quite effectively with most Congressional committees and has even been commended by the staff of several.

We understand that your committee recently sent letters to many persons and organizations announcing hearings on Senator NEUBERGER's bill S. 2047. Although on May 31 of this year, we wrote the chairman of the Senate Interior Affairs Committee requesting that we be advised of any scheduling of hearings on that bill, we did not receive a letter from your office. We learned of the hearings purely by chance some time after they were scheduled.

Since the Congress is currently in adjournment we do not have the advantage of the daily listing of scheduled hearings published in the CONGRESSIONAL RECORD. However, we need to get timely information with respect to hearings during this recess period on legislation of importance to our industry pending before your committee.

Apparently our present plan is not adequate. One alternative would be daily telephone or personal calls to your office, but we are sure such calls would soon become a nuisance. It would be most helpful if you could suggest some other plan through which we can be assured of accomplishing our purpose without unduly burdening you or your staff.

Your cooperation will be much appreciated.

Sincerely,

HENRY BAHR,
Vice President and General Counsel.

OCTOBER 25, 1957.

Mr. HENRY BAHR,
Vice President and General Counsel, National Lumber Manufacturers Association, Washington, D. C.

DEAR MR. BAHR: I have been away from the city for several weeks on committee business, thus the delay in acknowledging your letter of September 19.

We have always attempted to accommodate those parties who communicate to the committee an interest in receiving advance notification of hearings the committee may schedule on legislation coming within our jurisdiction. Our limited staff is unable to send out notices automatically to all parties who may have an interest in our committee's business, but we do, as I have mentioned, try to satisfy the specific requests we receive.

The staff members who handled the Oregon hearings on S. 2047 were instructed to give adequate publicity to the proposed hearings held in Klamath Falls and Portland. They advised me that they discussed the question of these particular hearings with Mr. Nelson of your office at least a month prior to the actual hearing dates. While the primary purpose of these hearings was to afford the people in the region a chance to testify, your organization was scheduled to testify as it had requested, although it did not do so ultimately.

It is my understanding that the hearing record is still open and that Mr. Nelson has been advised that any statement your organization may wish to submit for the record will be included in the official hearing record.

You may be assured that we shall continue to make every reasonable effort to afford all interested parties advance information with respect to proposed hearings if they express to the committee an interest in receiving such information.

Sincerely yours,

RICHARD L. CALLAGHAN,
Chief Clerk.

Mr. NEUBERGER. Mr. President, following the completion of our October hearings, but on the last day on which the hearing record was open to receive supplemental statements, the National Lumber Manufacturers Association came forth with a multipage letter expressing its views on S. 2047. Of course, the subcommittee hearing was over and no member of the committee could then question the association's recommendations.

NLMA HAS DECLINED TO TESTIFY PERSONALLY

Mr. President, it is also interesting that the National Lumber Manufacturers Association spokesman came to the committee chamber and read the transcript before filing his statement. Thus, in effect, he took advantage of an opportunity to condemn or attack other points of view without running the risk of submitting his views to questioning.

Early in January of this year I introduced, by request, S. 3051, the bill submitted by Secretary Seaton, and hearings were promptly scheduled on that bill because it differed substantially with S. 2047. On January 20, a copy of S. 3051, together with a covering letter and statement by me on the proposal, was sent to the National Lumber Manufacturers Association, and some 20 other companies and associations in the lumber industry, notifying them that hearings were scheduled for February 3, 4, and 5, and asking whether they wished to appear and testify. Mr. Bahr acknowledged my January 20 letter on January 22, and I ask unanimous consent that his response be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., January 22, 1958.

Senator RICHARD NEUBERGER,
United States Senate, Washington, D. C.

DEAR SENATOR NEUBERGER: Thank you for your letter of January 20 transmitting your recent statement regarding the Klamath Indian Reservation and a copy of S. 3051 including related documents. We will give this material our careful study.

It is unlikely that we will request an opportunity for a representative of this association to appear at hearings on S. 3051 and S. 2047 which are scheduled for February 3, 4, and 5. We wrote you on October 30, 1957, conveying our views on S. 2047. These views were published in the hearings record (beginning on p. 267) and since we have had no reason to alter our views since that date, they can be interpreted as bearing on some of the principles set forth in S. 3051 as well. It is possible however that we will wish to supplement our previous statement and comment on some features of the proposals contained in S. 3051 which differ from your previous bill.

We appreciate your invitation to participate in the proceedings on this very important matter.

Sincerely yours,

HENRY BAHR,
General Counsel.

Mr. NEUBERGER. Believing that an organization such as the National Lumber Manufacturers Association—which claims to represent a substantial segment of the lumber industry—could provide us with beneficial testimony on S. 3051, I again wrote to Mr. Bahr on January 24, inviting his association to appear at the hearings. I ask that my letter and the reply to my letter, dated January 28, be placed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 24, 1958.

Mr. HENRY BAHR,
General Counsel, National Lumber Manufacturers Association, Washington, D. C.

DEAR MR. BAHR: Thank you for your letter of January 22, in which you state that it is unlikely that a representative of your association will appear to testify at the Klamath Indian hearings to be held on February 3, 4, and 5.

It is my feeling that since there is a vast difference between the administration's bill, S. 3051, and the bill on which you submitted a statement, S. 2047, you should have someone from your association appear and give

us the benefit of your views on this new bill. Furthermore, no one from your association appeared at our October hearings, and subcommittee members may be desirous of obtaining your views firsthand.

I hope you will reconsider your position, because it is quite probable that no additional hearings will be held by the subcommittee to consider this most important legislation.

Sincerely yours,

RICHARD L. NEUBERGER.

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., January 28, 1958.

Hon. RICHARD L. NEUBERGER,
United States Senate,
Washington, D. C.

DEAR SENATOR NEUBERGER: Your letter of January 24 regarding the Klamath Indian hearings scheduled for February 3–5, 1958, arrived while Mr. Bahr is on an extended trip in the South. The date of Mr. Bahr's return is indefinite—he expects to return early next week, however, and I shall see that your letter is immediately brought to his attention.

Very truly yours,

Mrs. ELIZABETH HOLCOMBE,
Secretary to Mr. Bahr.

Mr. NEUBERGER. Mr. President, because of the adverse impact Public Law 587 will have on the lumber industry in the Pacific Northwest, if carried out under its present terms, I next sent the following telegram to the National Lumber Manufacturers Association, under date of January 31, 1958:

As you may know, our Indian Affairs Subcommittee of the Senate holding hearings on the Klamath question February 3, 4, and 5. We will consider administration alternative bill as well as Federal purchase bill. Administration bill contains such controversial features as sale of timber in large blocs and requiring sustained-yield covenant to run with land sold into private ownership. Am assuming organization with your active interest in policies affecting lumber industry will want to express its views on questions this significant and vital. Please advise which day your spokesmen or representatives desire to testify so committee schedule may be prepared.

NLMA RELIES UPON HIT-AND-RUN MANEUVERS

While the hearings were in progress, no response to this telegram was received, nor did the National Lumber Manufacturers Association make any attempt to testify during the 6 days of hearings. I will say this—a representative of the association did sit in the committee room and listen to witness after witness present views on the pending bills. Then, true to form, on February 19—the last day on which statements could be accepted—the National Lumber Manufacturers Association submitted a five-page attack on the legislation, recommending S. 3051 not be enacted. Again, no opportunity was available to committee members to question the association's spokesman.

Mr. President, no sooner had the Indian Subcommittee acted on S. 3051, and sent the bill to the full Interior and Insular Affairs Committee than the National Lumber Manufacturers Association's squad of lobbyists descended on committee members, urging defeat of the bill. I took it upon myself to bring to the attention of the general public, and particularly the people of Oregon who have such a vital stake in the Klamath termination program, the deplorable tactics being used by the National Lumber Manufacturers Association against S. 3051. My criticisms must have hit a vital spot in the association's armor, for on March 27 there ensued an exchange of telegrams between the association and me. I ask that the two communications be inserted in the RECORD at this point.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 27, 1958.*

Hon. RICHARD L. NEUBERGER,
Washington, D. C.:

Statements made by you on the Senate floor and published in the CONGRESSIONAL RECORD and statements attributed to you appearing in the Oregon press indicate a serious misunderstanding of actions taken by the National Lumber Manufacturers Association on Klamath Indian Reservation termination legislation now before Congress. On October 30, 1957, we wrote you a 2,142-word letter on your bill, S. 2047, which would provide for the acquisition by the United States of all tribal lands of the Klamath Tribe of Indians. We pointed out to you that your bill would deprive private industry and private persons, including the Klamath Indians, of the opportunity of owning forest land in the pine area of Oregon, where more than two-thirds of such land is already in public control. We expressed confidence that private enterprise, if given opportunity, would provide good stewardship for the Klamath timberlands. Our letter to you was published in the hearing record on S. 2047. Opposition to your bill was taken only after careful consideration of the many problems involved. Our detailed position had not been established on your bill at the time of your hearings in Portland, Oreg., in early October. On February 19, 1958, we wrote you a 2,255-word letter stating our views on S. 3051, the administration bill regarding the Klamath Indian Reservation. This letter, too, was published in the hearing record. We believe the above two letters set forth in good time and in detail our position on the timberland aspects of S. 2047 and S. 3051. Copies of the letters were sent to all members of the Senate Interior Committee, to the committee staff, to the Departments of Interior and Agriculture, and others. Discussions were held between members of our staff and the committee staff. In addition, and to further clarify our views on S. 3051, we wired the members of the Senate Interior Committee as follows:

"Understand Senate Interior Committee will consider S. 3051 relating to the disposal of the Klamath Indian lands on Tuesday, March 18. We respectfully urge that you oppose this bill because:

"(1) Since there would be few, if any, private purchasers under the conditions imposed, the cost to the Federal Government is likely to exceed $100 million;

"(2) It proposes dangerous policy of Federal control over private purchasers of timberlands for 100 years;

"(3) It would not reflect wishes of many Indian owners who have supported Public Law 587;

"(4) It would bypass the act of March 1, 1911, placing responsibility for review of national forest expansion on the National Forest Reservation Commission;

"(5) It would arbitrarily and improperly establish market value by statutory edict;

"(6) It places no requirement on Federal Government to practice sustained yield on land it acquires;

"(7) It would probably result in endless court litigation in future years. Details of these objections are in our February 19 letter to Senator NEUBERGER, copy of which was sent you."

In view of the foregoing, we cannot understand your charges that we failed to submit our views for questioning and analysis by subcommittee members and staff. Speaking as we do for a major part of the Nation's lumber industry and for the principles of private enterprise, we believe that private ownership of commercial property rather than Federal ownership is essential if our private enterprise system is to continue in this Nation. This is an important aspect of the Klamath problem and accounts for much of our concern since solution of the Klamath problem will establish a pattern for other termination actions throughout the country.

Finally, as stated in our letter of October 30, 1957, we believe that the sale of the Klamath timberlands under Public Law 587 to private bidders under reasonable terms and over a reasonable time period to prevent overly rapid sale of timberlands and to increase revenues to the Indians would provide a solution to the Klamath problem which would be in the best interests of both the Indian owners and the general public. We are always ready to discuss with you and other members of the committee problems of mutual concern. We assume that you understood our position on these two bills. If you do not, kindly advise us relative to any questions you may have.

MORTIMER B. DOYLE,
Executive Vice President, National Lumber Manufacturers Association.

SENATE INTERIOR COMMITTEE,
March 27, 1958.

Mr. MORTIMER B. DOYLE,
Executive Vice President, National Lumber Manufacturers Association, Washington, D. C.:

Regarding your telegram of March 27, I still stand by my original statement that neither the National Lumber Manufacturers Association nor the Western Pine Association, which now are spearheading opposition to legislation seeking to solve the Klamath situation, ever chose to appear before the Senate Indian Affairs Subcommittee despite several invitations to do so. Many other groups and individuals were willing to submit their views to committee scrutiny and questioning. Your organizations never did so, nor have you ever satisfactorily explained your failure in this respect. Your telegram stated "We are always ready to discuss with you and other members of the committee problems of mutual concern." In view of this statement, I would welcome your reasons for declining my repeated invitations to appear before the Indian Affairs Subcommittee while our hearings were in process both in Oregon and in the National Capital. It is significant that your letters attacking S. 2047 were submitted after hearings on that bill had closed in Oregon, and that your letter attacking S. 3051 was submitted after hearings on that bill had closed in Washington, D. C. If the procedure so cavalierly adopted by you were to become general, there would be no purpose in the time and expense of Congressional hearings. Letters submitted unilaterally are no substitute for orderly analysis and questioning of highly controversial and dogmatic opinions such as those your organizations are voicing with respect to Klamath Reservation bills, both those by the Eisenhower administration and by me.

RICHARD L. NEUBERGER,
United States Senator.

Mr. NEUBERGER. Happily, the best efforts of the National Lumber Manufacturers Association failed to find a single supporter who would champion its unsound arguments against S. 3051. I be-

lieve that fact, in itself, demonstrates the weakness of the specious arguments made by the National Lumber Manufacturers Association.

Mr. President, there has come to my attention a copy of a recent letter to the chairman of the House Indian Subcommittee from the National Lumber Manufacturers Association, signed by Mr. Nils Hult of Junction City, Oreg., as chairman of the National Lumber Manufacturers Association's committee on forest management, in opposition to S. 3051. If Mr. Hult's recommendations to the House subcommittee are adopted, the people of Oregon can expect a chaotic economic situation in the pine timber industry.

I also want to call to public attention that some segments of the lumber industry have just suggested to the President of the United States that Mr. Nils Hult be appointed to the National Outdoor Recreation Resources Review Commission provided for by S. 846, which is now before the President for signature. I was cosponsor of S. 846.

NLMA POLICIES WOULD IMPERIL WILDLIFE RESOURCES

Through the Forest Industries Council, which consists of the National Lumber Manufacturers Association and two pulp and paper associations, I was solicited by letter to support Mr. Hult for appointment. Here is a man who, as a National Lumber Manufacturers Association spokesman, recommends that the administration's Klamath legislation be rejected. He would let this vital Indian reservation be sold on a cut-out-and-get-out basis. He would leave to whim the conservation of soil and water. He opposes the assuring of sustained yield. He would place the vital Klamath Reservation on the auction block, despite the risk that a valuable nesting, feeding, and resting area for 80 percent of the ducks and geese on the great Pacific flyway might be destroyed.

Mr. President, the House committee has given long consideration to the Klamath problem. The House subcommittee visited the reservation last year. They held several hearings during this session. Representative ALBERT C. ULLMAN, who is a member of the subcommittee and who represents the Second Oregon District where this reservation lies, has worked long and hard and capably on this difficult problem. He, too, was available for discussion of matters. The National Lumber Manufacturers Association has never appeared before the House committee. They have used the same hit-and-run, 11th-hour tactics over in the House to attack this bill that they attempted in the Senate. Such tactics do them no credit.

Mr. President, I ask unanimous consent that the letter that Mr. Nils Hult sent to Representative HALEY, and my reply to Mr. Hult, be made a part of the RECORD. My letter to Mr. Hult speaks for itself, I trust. It constitutes my position on the situation which I have discussed.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., June 13, 1958.

Hon. JAMES A. HALEY,
Chairman, Subcommittee on Indian Affairs, Committee on Interior and Indian Affairs, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This letter outlines the position of the National Lumber Manufacturers Association with regard to the overall problem of terminating Federal trusteeship over the Klamath Indians of Oregon. Specifically, it sets forth our opposition to the provisions of S. 3051.

Our views regarding this matter have been furnished to the Indian Subcommittee of the Senate Committee on Interior and Insular Affairs on previous occasions. On October 30, 1957, we addressed a letter to Senator RICHARD L. NEUBERGER, chairman of the subcommittee containing our views in connection with S. 2047. A similar letter regarding S. 3051 was addressed to Senator NEUBERGER on February 19, 1958. Both communications were made a part of the Senate hearings.

At the outset, we should like to make clear that we appreciate the fact that termination of such Federal trusteeship presents an exceedingly complicated legislative problem. We also realize full well that the Congress and especially you and your subcommittee have given long and serious thought to the difficult business of unraveling the Gordian knot arising from the desire of the Klamaths and the Federal Government to terminate the ward-guardian relationship which has persisted for so many years.

As an association representing the lumber industry of the United States, our views, as they pertain to the termination of Federal trusteeship over the Klamath Indians, are predicated on two basic convictions: (1) That the nature of the ownership of the Klamath timberlands should not be altered from private to Federal, and (2) that the rights of the Indians be completely respected.

Retention of the maximum possible proportion of forest land in private taxpaying ownership has long been the keystone of the forest policy of the National Lumber Manufacturers Association. More than one-fourth of the commercial forest land and 40 percent of the Nation's sawtimber is today in Government ownership and control.

In their present status, the Klamath timberlands are privately owned and the fact that the guardian and the ward have agreed to a termination of that relationship should not be construed to mean that the guardian has a vested right to future ownership or control of those lands. It is our understanding that the official representatives of the Indian owners approved Public Law 587, as amended, and that they thereby approved of public sale as the manner of property disposal rather than disposal to the Federal Government. In our opinion any proposed change in Public Law 587 should be made only with the full concurrence of the Indian owners of the Klamath Reservation. The Klamath assets are the property of the Indians and it is for them to decide what should be done with their property.

GOVERNMENT EDICTS ARE NOT NECESSARY TO INSURE PROPER FORESTRY PRACTICES

Individuals and groups proposing changes in Public Law 587, as reflected in the several bills before your subcommittee, indicate that they have great fear that the Klamath timberlands, as an important resource, will be ravished and lost should title to those lands be acquired by the lumber industry. S. 3051, as passed by the United States Senate, contains a requirement for a 100-year sustained-yield covenant. We believe that Government edicts are not necessary to insure proper and responsible forestry practices on privately owned land. Industrial forestry is demonstrating its willingness and capacity to insure a continuing supply of forest products through good management and sustained-yield practices. That this fact is recognized by the Federal Government itself is evident from page 305 of Forest Resource Report No. 14, Timber Resources for America's Future (Forest Service, United States Department of Agriculture) wherein it states:

"Although industry holdings comprise only 13 percent of the commercial forests, they include some of the most accessible, productive, and well-managed forests—a significant part of the Nation's timber resources. These industrial ownerships, therefore, must be counted on to supply a sizable share of the Nation's future wood requirements. Forest industry may be of even larger significance through demonstration, education, and assistance to other private forest landowners who supply most of the raw material for wood-using plants. The forest industries also are in a position to influence the cutting practices of the independent logging operators who cut timber on farm and other private forest ownerships for delivery to wood-manufacturing plants."

That the lumber industry is capable of maintaining sound forestry management policies can be viewed as a fact in the Klamath area itself. The principle of tree farming has been accepted by Oregon's lumber industry with vigor and enthusiasm. By May 1, 1958, there existed in the State of Oregon 327 tree farms, involving a total acreage of 3,984,825 acres. Of this total, 107 tree farms, involving a total acreage of 1,618,756 acres, existed in eastern Oregon, the area in which the Klamath forest lands are located. Located within the exterior boundaries of the Klamath Reservation is an 83,000-acre private tree farm.

Participation in the tree farm movement ranges from the very small to the very large. Oregon is in second place among the tree farm States, topped narrowly only by Florida. The tree farm program is open to all private forest land owners and has quickened interest as a cash crop. It has shown steady growth in Oregon and now, after 14 years, appears to be entering its period of greatest expansion.

The good forestry practices on private lands in the United States have resulted from improved economic conditions and the application of better knowledge. For the timber owner in our present-day economy it is just good business to maintain his holdings on an ever-productive basis. The National Lumber Manufacturers Association feels that such a covenant as is contemplated in S. 3051 is something peculiarly new in the United States, alien to our traditional concept of individual responsibilities for proper land stewardship. We believe our fear that it constitutes a dangerous precedent for the further control of private property by the Federal Government is understandable. Government edict and imposition of police power will not promote, but discourage private enterprise.

FEDERAL OWNERSHIP DOES NOT INSURE INTENSIVE SUSTAINED-YIELD MANAGEMENT

Those who advocate Federal purchase of the Klamath Reservation lands seem to be of the opinion that the timber resource contained therein is certain to be maintained under intensive sustained-yield practices. It is the purpose of Federal law to encourage such practices on federally owned commercial forest lands. The law (16 U. S. C. 475) as it applies to the national forests provides administrators with considerable discretion when it states that the "national forests

shall be as far as practicable controlled and administered * * * to furnish a continuous supply of timber * * *." If it is not practicable for the Federal Government, in the eyes of the administrators in charge, to furnish a continuous supply of timber on any national forests, it may not do so. Also, the term "continuous supply" may be construed to be less impelling than the words "sustained yield." In its 1950 study entitled "The Progress of Forestry" the American Forestry Association showed that only about one-third of the commercial forest lands administered by the Federal Government were operated on a sustained-yield basis. Although the situation has likely improved since 1950, it is doubtful that today more than 50 percent of the Federal commercial timberland holdings are under intensive sustained yield forest management. A review of data compiled by the Forest Service for fiscal year 1956 reveals that approximately 50 percent of all the national forests had an actual cut of timber less than the allowable cut of timber established for the development of sustained-yield forestry. In many cases the actual cut was substantially less than the allowable cut. This indicates that the national forests have a long way to go before annual and even short-term periodic sustained yield becomes an accomplishment on all of the national forests. The stringent sustained-yield requirements contemplated to be imposed by law on the private purchaser under provisions of S. 3051 should apply with equal force to the Federal Government.

PRIVATE PURCHASE OF KLAMATH FOREST LANDS CAN REFLECT FAIR VALUES

The purchase of the Klamath timberlands by private enterprise would involve substantial investments, based for the most part on stable ownership and long-range management objectives. Judging from experience, public sale under Public Law 587 as amended will result in the extension of the tree farm movement to the timberlands sold. If private enterprise, therefore, is accorded the opportunity of buying the timberlands in fee simple at a properly appraised current fair market value, it is believed that such timberlands will be sold, judging from expressions of interest which have come to our attention.

It should be emphasized that the term appraised current fair market value is used here in its usual legal sense to mean an estimate of the highest price arrived at in a public sale between informed and willing buyers and an informed and willing seller under the special circumstances included in Public Law 587 as amended which govern the period of time during which the Government as the seller is required to dispose of the property through the individual sale of many timberland tracts in a specific area. It is obvious that if the appraised prices placed on the tracts are higher than the market will accept, few sales will be made. It is also clear that the appraised current fair market value of a tract of timberland is, or should be, an expression of the highest bid price in the market place made by a bidder acceptable to the seller. When value is so determined there can exist only one value for the same piece of property at a given time. It is believed that Public Law 587 intended that the appraisal of the Klamath Indian Reservation property should be made on the basis of its fair market value and that this term was used in the sense here suggested.

THE AREA ECONOMY CAN BE BETTER SERVED BY PRIVATE PURCHASE

Federal ownership accounts for 51 percent of the land area in the State of Oregon with 54 percent of the total commercial timberland area being owned by the Federal Government. Furthermore, 59 percent of the live sawtimber volume on commercial forest lands in Oregon is Federal property. Federal acquisition of some 745,000 acres of Klamath timberlands will add significantly to the extent of Federal lands and timber holdings in Oregon. The Klamath timberlands are private lands held in trust by the United States and are not taxable. Acquisition by private bidders would place these lands on the tax rolls; Federal acquisition will mean they are forever lost as sources of tax revenue to counties already overburdened with a narrow tax base existing as a result of Federal holdings.

UNLIKELY THAT PRIVATE INDUSTRY WILL BE WILLING TO BID UNDER S. 3051

It is our belief that the covenant and other restrictive provisions contained in S. 3051 will make its practical effect nearly identical to that of legislative proposals pending before your subcommittee calling for outright Federal purchase of the Klamath Reservation lands. The 100-year covenant contains not only requirements for sustained yield management of the Klamath timber, but also imposes conditions requiring the conservation of soil and water resources. Federal control over these lands under the provisions of S. 3051 will continue for 100 years. During this period conditions and circumstances may change considerably and it is difficult to imagine any timber owner not being in technical violation at some time during this long period. The risk of violating a Government edict is so great that private bidders are not likely to be interested in the purchase of these lands.

It might be mentioned here that any determination of the Federal Government to insist on the 100-year covenant requiring sustained-yield practices in a sudden and strange departure from relatively recent statements of position by the Department of Interior. In reporting to the Honorable Clair Engle, chairman of the Interior and Insular Affairs Committee of the House of Representatives with regard to H. R. 9280, a bill to provide for the formulation of a plan for control of the property of the Menominee Indian Tribe, the Department of Interior in its letter of February 24, 1956, stated:

"Under present law the tribe has complete freedom to develop any type of plan for the future management of its property that it wants. This bill would restrict that freedom by requiring the tribal forest to be preserved forever on a sustained-yield basis, and presumably would lay the groundwork for a future request for Federal financing to compensate individual Indians who wish to convert their interest in the tribal asset into money. The Menominee termination legislation already enacted granted to the Menominee Indians the same rights with respect to their property that other citizens have. We believe that the tribe should not be placed under special restraints by Federal law."

Elsewhere in the Senate-passed version of S. 3051 it is provided, "the conveying instruments for each sale pursuant to this subsection shall also provide for a reversion of title to the lands to the United States * * * in the event a final judgment against the United States is recovered by the tribe based on inadequate sale price and the grantee does not within 60 days thereafter pay the judgment on behalf of the United States." S. 3051 provides that the realization value shall be approved by the Secretary of the Interior which is defined to be the same as fair market value. The propriety of legislating fair market value in this manner might well be questioned. However, be that as it may, the above-quoted provision requires that a successful bidder be financially accountable in the event the Indians should press litigation requiring additional payment for their lands over the price they received; a price over which the grantee has very little, if any, control.

Thus, the successful bidder, or grantee, would find himself in possession of property for which he has no clear title. In the face of such circumstances it is difficult to imagine a responsible firm risking its financial resources on property, the title to which is impeded by the highly unusual provisions cited above.

Additional language to discourage private bidding for the Klamath forest lands is contained in S. 3051. On page 7, subsection (h), the purchaser is required to give to the Federal Government the right to use all roads located on the tribal lands. Unless a prospective bidder can negotiate a long-term agreement with the United States, setting forth reasonable terms and conditions of road use, including equitable payment for such use, it is unlikely that a sale to such a prospective bidder would be consummated.

Under the provisions of S. 3051, in order to bid on a tract of the Klamath Reservation lands, a prospective purchaser must submit a management plan for the approval by the Secretary of Agriculture before his bid can be accepted by the Secretary of Interior. Once accepted, the management plan becomes a part of the 100 year covenant. In the event the purchaser at some subsequent date decides to sell this property, the covenant, with its accompanying management plan, will likely be considered a title encumbrance with a consequent depressing effect on the price of the property.

On the basis of the reasons cited above we can but conclude that prospective purchasers of the Klamath timberlands will be effectively discouraged from bidding by the various provisions contained in S. 3051. This distinct probability is clearly recognized by the proponents of S. 3051 since the legislation contains language authorizing Federal acquisition of all Klamath lands for which bids are not received or awarded.

FEDERAL PURCHASE OF KLAMATH RESERVATION LANDS IGNORES LAWFUL PROCEDURES

Aside from the strong arguments which can be raised against further Federal acquisition of land in the State of Oregon on the basis of ideological principle the proposed Federal acquisition under S. 3051 ignores established and lawful procedures. The act of March 1, 1911 (36 Stat. 961), is referred to in S. 3051. This act, among other things, provides for a National Forest Reservation Commission consisting of the Secretaries of Agriculture, Interior and Army and four Members of Congress. The act states that such Commission was "* * * created and authorized to consider and pass upon such lands as may be recommended for purchase * * * and to fix the price or prices at which such lands may be purchased and no purchases shall be made of any lands until such lands have been duly approved for purchase by said Commission."

S. 3051 would set aside this traditional procedure under which land aggregating almost 19 million acres has been added to the national forests over a 47-year period. If the Klamath timberlands are to be added to the national forest system, we believe the National Forest Reservation Commission should consider and pass on the transaction in keeping with the desire of Congress expressed in the act of March 1, 1911.

PRECEDENT-MAKING EFFECT OF S. 3051 SHOULD BE RECOGNIZED

The possibility that the Klamath Indians may sue the Federal Government for further compensation for their lands is recognized on page 4, lines 4–16, of S. 3051 as passed by the Senate. The Department of Interior has recommended that the grantee be relieved of financial responsibility for future judgments but the fact remains that the Indians, at some later date, may bring suit against the Government to recover what they feel may be a more fair price for the land purchased either by private bidders or the Federal Government. It then seems impossible to assume that the $90 million authorized by S. 3051 represents the final and total extent

of Federal funds to be disbursed in connection with the Klamath termination.

Of even more serious consequence is the probability that, if enacted into law, S. 3051 will either become the accepted formula for future termination acts or that it will develop into such an expensive obligation on the Federal Treasury that an orderly program to terminate Federal trusteeship over all tribes of Indians will be impossible to maintain. If the Klamath timberlands are acquired by the Federal Government it is not unreasonable to assume that S. 3051 will set the precedent for the purchase of timberlands on other Indian reservations. It has been estimated that there are on Indian reservations and in tribal ownership some 5 million acres of commercial timberlands with some 30 billion to 35 billion board-feet of timber. Furthermore, some 35 million acres of tribal Indian reservation grazing and woodland, in addition to the 5 million acres of timberland, are held in trust by the United States for the Indians. It is likely that some of these lands contain petroleum, mineral and mining values. If S. 3051 is to become the formula for future termination acts the cost to the American taxpayer for Federal purchase of these lands and assets will be staggering indeed.

PUBLIC LAW 587 REPRESENTS EQUITABLE MEANS FOR TERMINATION

Public Law 587 was approved by the Department of Interior, the Klamath Indians, and was approved by the Congress only after thoughtful deliberation. It is our belief that it represents a fair and equitable means for the termination of Federal trusteeship over the Klamath Indians. Perhaps the time provided in Public Law 587, as amended, is not long enough in duration to provide for the most advantageous sale of assets. The period should be sufficiently long so that all interested parties could fully develop and complete their plans of acquisition as well as plans for the development of utilization facilities. Certainly, the fullest consideration should be given in this connection to such period as would concurrently provide maximum returns to the Indian owners for their property. Your subcommittee may want to consider the possibility of providing a longer time period for the sale of the Klamath assets. Also, in view of the fact that Public Law 587 apparently requires payment in full at the time of sale, the subcommittee might give some thought to the desirability of amendatory language permitting purchasers to make installment payments over a reasonable length of time. Such procedures might well create a broader market for the timberlands at sale prices that reflect fair market values.

ALTERNATIVES OTHER THAN S. 3051 ARE AVAILABLE

For reasons cited earlier in this letter we vigorously oppose the provisions of S. 3051 which we feel have as their major purpose that of adding the Klamath Reservation lands to the holdings of the Federal Government. It is possible that the subcommittee and the Congress in general share this feeling but it is also unwilling to permit the present Public Law 587 to be fulfilled. With that thought in mind we are taking the liberty of suggesting the following alternatives for your consideration:

(1) Deletion from Public Law 587 of the language providing for withdrawal from the tribe. By so doing the termination of Federal trusteeship would be accomplished. The tribe would receive title to all its assets now held in trust for it by the United States, and it is believed that the tribe would consequently have no further claim against the United States. Withdrawal from the tribe by individual Indian members would be possible after termination but the withdrawal machinery itself would be developed by the tribe.

(2) Formation of an Indian-owned corporation to own and operate the Klamath Reservation lands and assets. Provisions for such an alternative are contained in Public Law 587. Again, withdrawal of individual Indian members would still be possible but would be accomplished through procedures agreed upon by the tribe and the corporation. On assigning title of the lands and assets to the corporation, the Federal Government would be relieved of any future responsibility or obligation.

It should be emphasized that the $90 million disbursement of Federal funds immediately contemplated in S. 3051 would be unnecessary if Public Law 587 were allowed to become effective. Neither would it be necessary if the Congress elected to pursue either of the alternatives suggested above.

To summarize our position, we oppose S. 3051 because: (1) Government edicts are not necessary to insure proper forestry practices; (2) Federal ownership does not insure intensive sustained yield management; (3) private purchase of Klamath forest lands can reflect fair values; (4) the area economy can be better served by private purchase; (5) Federal purchase of Klamath Reservation forest lands ignores lawful procedures; (6) enactment of S. 3051 would create a dangerous precedent; (7) Public Law 587 represents an equitable means for termination; and (8) alternatives other than S. 3051 are available to the Congress.

In conclusion, we would like to again remind you that we are mindful of the serious and perplexing task confronting you. It is our hope that our expression of beliefs and views with regard to this difficult matter will be helpful to you and your subcommittee. It is our understanding that the hearing record is being held open for written statements and we would accordingly appreciate this letter being made a part of that record.

Sincerely yours,

NILS HULT,
Chairman, Committee on Forest Management, National Lumber Manufacturers Association.
JUNCTION CITY, OREG.

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
June 23, 1958.

Mr. NILS HULT,
Hult Lumber Co.,
Junction City, Oreg.

DEAR MR. HULT: I note that you, as chairman of the committee on forest management for the National Lumber Manufacturers Association, are now circulating to Members of Congress extremely strong denunciations of S. 3051, the Klamath termination amendment unanimously passed by the Senate. Yet I do not recall you or your organization ever appearing before either a Senate or House committee to present these views in open hearing. Can you be proud of such a performance, Mr. Hult?

Let me contrast your behavior with that of Mr. George Weyerhaeuser, who I think is an equally prominent lumberman with yourself. Mr. Weyerhaeuser, who had some doubts about my original Federal purchase bill, testified in Portland for some 90 minutes before my subcommittee and submitted to extensive questioning with respect to his statements. This is the traditional method of resolving mutually different ideas in our country—not your way of circulating strong last-minute declarations which you evidently are unwilling or unable to defend in an open hearing.

It is disturbing to me that you have let your good name be used by the National Lumber Manufacturers Association in their efforts to thwart a reasonable solution to the stern problems posed by Public Law 587.

I have endeavored by every possible means to encourage the National Lumber Manufacturers Association to testify on the Klamath problem, but they have not. They have repeated this sorry performance at every stage of deliberation on this matter. They were invited to testify at Portland last October and then declined to do so. Instead, they waited until the last day the record was open for the October Senate hearings on S. 2047 to submit a statement. The same procedure was used in the hearings on S. 3051. When the bill was up for executive consideration in the Senate committee, they telegraphed each committee member urging its defeat. Again, over in the House, well after their opening hearings and when it was widely known that the House committee would proceed on a legislative markup, they persuaded you to apply this 11th-hour assault.

Your organization is entitled to its views. We in the Congress place a very high value on the considered expressions of persons and groups. We have the task of passing on legislation and it is most helpful to subject the contentions of various viewpoints to questioning.

My main objection goes to the uniform avoidance by the National Lumber Manufacturers Association to give testimony and submit views to fair and reasonable cross-examination. We in the Congress hold public hearings for a valid purpose. We seek not only information, but also desire to inquire so as to enlarge our understanding. As we proceeded on the Klamath problem, we have been forced to rely upon others to attempt to answer substantive questions raised by the contentions of the National Lumber Manufacturers Association.

The person who wants to present views effectively should avail himself not only of the right to file a statement for consideration prior to a hearing, but should seek to testify for the purposes of submitting his position to scrutiny and clarification. It is most important to bear in mind that we know there are several sides to every question, and we endeavor to secure all pertinent information. On at least four occasions since the Klamath matter has been before the Congress, the National Lumber Manufacturers Association has pursued a hit-and-run tactic.

There was neither dissent nor objection to S. 3051 in the Senate Committee or on the floor of the Senate when we at last reached the final question of voting. This bill went before the Republican and the Democratic policy committees before it reached the floor, and was subject to wide publicity.

Your eight-page letter contains statements which I believe are not grounded on facts. It makes evident that it would have been well for your group to consider whether your efforts might not have better ripened if you had taken some of the opportunities to testify.

Are you opposed to better assuring soil, water, forest, and wildlife conservation on a major river basin in your State? Do you sincerely believe that the existing law, which would subdivide the reservation into 95 or more units for the fee-simple sale of timberland, will assure conservation goals? If you practice sustained yield upon your own land, why do you object to it being required upon these Indian lands?

You ask that the nature of the ownership of the Klamath timber lands now be altered from Federal to private. I see nothing at all in your recommendation which would assure that this reservation, which has been managed under widely commended sustained yield forestry for 40 years, would be continued. You make no suggestion as to how the valuable marsh will be continued as a wildlife refuge. You show no concern about changes which might adversely affect the

waterflow and the needs of the people in southwestern Oregon and California.

Oregon's State Legislature, Governor Holmes, leading conservationists, bankers, church and citizens groups, nearly the entire press, lumbermen, labor unions, Secretary Seaton, Under Secretary Chilson, and a host of others have worked long and hard on every aspect of this problem, side by side with me as chairman of the Senate Indian Affairs Subcommittee. The combined weight of their judgment, with due allowance for reasonable accommodations for the views held by others, persuaded the Senate to unanimously adopt S. 3051.

But still you, as a so-called spokesman of the great forest products industry, persist in presenting the same discredited arguments again at the 11th hour.

Ever since I have been in Congress I have been concerned about the Klamath problem. We first went into the subject in our 1955 timber policy hearings. My door has been open, and so has Secretary Seaton's and Under Secretary Chilson's for discussions of this problem, individually or jointly, at any time interested groups wished to consult and advise. We have proceeded on as completely a bipartisan basis as it was humanly possible to achieve.

Of all the groups, only the National Lumber Manufacturers Association has tried, by devices that do it little credit, to continue the chaos. As one citizen of Oregon to another, keeping well in mind the preeminence of our State in lumber and pulp production and the need to achieve better national understanding of the real problems facing this industry, I can only say to you that the National Lumber Manufacturers Association's activities on the Klamath amendment have not helped the industry's reputation in Oregon.

I want to say this to you in all candor. If the Senate bill, which is a good bill, is so drastically and radically amended in the House committee that it becomes virtually unworkable, you and your group will answer for decades to come before the bar of public opinion in Oregon. I would not envy you such a responsibility.

Sincerely yours,

RICHARD L. NEUBERGER,
United States Senator.

THE GENERAL ANILINE & FILM CORP.

Mr. CHAVEZ. Mr. President, 5 years ago, on June 27, 1953, I introduced in the United States Senate the first bill to provide for the return of private property seized under the terms of the Trading With the Enemy Act.

I believed then, as I do now, that it is wrong to confiscate private property—to take property without compensation. The only exception should be in cases which involve the security of the United States.

In this connection I should like to mention the case involving the General Aniline & Film Corp. This is a huge chemical manufacturing concern of great strategic value to the United States. It was seized at the beginning of the war from a Swiss concern called Interhandel, on the ground that Interhandel was owned or controlled by Germans. The settlement of that issue has been in the courts of the United States for a great number of years, and the dispute is not yet ended.

Recently the Supreme Court of the United States handed down a decision favorable to Interhandel which has made any sale of General Aniline impossible until after a full trial on the merits of the case, which may take years, or unless some settlement is made between Interhandel and the Department of Justice. It is logical to assume that some attempt will be made for such a settlement, in view of this Supreme Court decision, and the growing sentiment in the United States for a return of war assets.

Before this goes too far, I should like to call attention to several factors which are not yet clarified in the course of events. One disturbing fact is this. Amidst this favorable climate for a settlement or a general disposition of this case, it is to be noted that the three big banks of Switzerland, headed by the Union Bank, began to purchase the controlling stock of Interhandel.

This is disturbing to me for the following reasons. Swiss banks are protected by secrecy laws which preclude the discovery of the principals for whom these banks are acting as agents. The banks could be functioning for racketeers or Communists seeking to control this vital company through cloaking operations. This is a matter of vital importance to the United States, and it is highly suspicious if the control and management of Interhandel is passing into the hands of bankers. Incomplete press reports emanating from Switzerland indicate that Interhandel's managing director is no longer on the board of directors. If this also means that the operating authority of this company will be taken away from a Swiss family which has administered this company's affairs for years, then I am very suspicious, and I shall call upon my good friend, the Senator from Mississippi [Mr. EASTLAND], Chairman of the Internal Security Subcommittee of the Senate Committee on the Judiciary to continue his investigation into the subject of banking secrecy and to subpena the bankers or the banker's representatives when they come here to negotiate a settlement, and require them to appear and testify concerning their principals and the source of their funds, as there is always present in circumstances like these a danger of Communist infiltration into our vital defense industries.

DISTINGUISHED CITIZEN AWARD TO SENATOR WILLIAMS

Mr. BEALL. Mr. President, the Delmarva Poultry Industry, which represents the poultry farmers and processors of the Eastern Shore of Maryland and Virginia, and the State of Delaware, has, during this, its 11th annual Delmarva chicken festival, at Denton, Md., presented its distinguished citizen award to the senior Senator from Delaware, JOHN WILLIAMS.

Senator WILLIAMS is known to all of us in the Senate as an able authority on agriculture in general, and in particular on the problems of the poultry industry. He has constantly exerted his best efforts in the Senate for the welfare of our agricultural population.

It is a very great pleasure for me to inform the Senate of this honor bestowed upon Senator WILLIAMS by many of his constituents, and his friends throughout the Delmarva Peninsula.

I ask that this distinguished citizen award citation to Senator WILLIAMS be printed at this point in my remarks.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

DELMARVA POULTRY INDUSTRY'S DISTINGUISHED CITIZEN AWARD TO JOHN J. WILLIAMS

A pioneer in the poultry industry of the Delmarva Peninsula, when during the early twenties he opened the first of 4 feed stores; for his continued expression of confidence in the future of the area's poultry industry, now operating 12 farms and a hatchery for the production of high quality broiler chicks; in recognition of outstanding service to his fellow citizens as a United States Senator, crusading for the need of honesty among those holding positions of public trust and striving for economy in the operation of our Government; the Delmarva Poultry Industry, Inc., is proud to present Delmarva's distinguished citizen award to Senator JOHN J. WILLIAMS, successful businessman, poultryman, statesman, and highly respected citizen.

JOHN R. HARGREAVES,
President.

STATEHOOD FOR ALASKA—AUTHORIZATION FOR SENATOR THURMOND TO ADDRESS THE SENATE ON THE UNFINISHED BUSINESS LATER TODAY

Mr. THURMOND. Mr. President, I yielded the floor last night with the understanding that I would have it again this morning. I am a member of the Labor and Public Welfare Committee, and we have a very important meeting beginning at 10 o'clock. I am chairman of the Veterans' Subcommittee. We have several veterans bills coming up. I am badly needed there. I ask unanimous consent at this time to attend the meeting of the Committee on Labor and Public Welfare and come back and finish my address, which I began last evening, later in the day.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

STATEHOOD FOR ALASKA

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate for consideration.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

UNOPPOSED NOMINATION OF SENATOR STENNIS AS DEMOCRATIC CANDIDATE FOR UNITED STATES SENATE

Mr. MANSFIELD. Mr. President, on yesterday the time passed for filing for nomination in the State of Mississippi. Accordingly, our distinguished and able colleague, the Senator from Mississippi [Mr. STENNIS], will be unopposed for renomination as the Democratic candidate for the Senate in 1958.

I extend my congratulations and best wishes to the Senator from Mississippi, and assure him that, in my opinion, I think the people of Mississippi have displayed good sense in selecting him as sole nominee for the nomination for reelection to the United States Senate.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. I desire to associate myself with the remarks of the able acting majority leader. I have known the distinguished junior Senator from Mississippi for some 7 or 8 years, and have been intimately associated with him for the short period of time since I have been a Member of the Senate.

I do not know of any Member of the Senate who is more sincere, conscientious, hardworking, and diligent in looking after his senatorial duties than the distinguished junior Senator from Mississippi. Mississippi is exceedingly fortunate to have him as a Member of this body. I am proud to call him my warm personal friend.

Mr. MANSFIELD. Mr. President, I wish to thank the Senator from Georgia for his remarks, and I join him in what he has had to say. The Senator from Mississippi has proved himself to be an understanding man and a man who has been a real credit to his State.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to associate myself with the remarks of the acting majority leader and the Senator from Georgia concerning the junior Senator from Mississippi [Mr. STENNIS]. I consider the Senator from Mississippi to be one of the most able Members of the Senate. I, too, believe that Mississippi is very fortunate to have such an able and outstanding Senator to represent the State on the Senate floor and in Senate matters.

The junior Senator from Mississippi has been nominated without opposition by the Democratic Party. I consider such nomination to be almost equivalent to election without opposition in a State such as Mississippi. That being so, the Senator is to be commended twice for being nominated as Senator. I look forward to serving with him for the next 4 years, at least, until I again campaign for reelection. I hope it will be longer. I hope the people of my State will do the same for me.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Virginia.

Mr. ROBERTSON. I desire to be associated with the sentiments expressed by my distinguished colleague from South Carolina and previously expressed by the acting majority leader and my colleague from Georgia. I have enjoyed the warmest friendship with our distinguished friend from Mississippi. I did not anticipate the Senator would have opposition in the primary, and I was delighted, of course, when the date for filing for the primary closed without opposition being noted.

I share the sentiments heretofore expressed. We are indeed fortunate, and the Nation is fortunate, to have so fine and good and able a man as JOHN STENNIS a Member of this body.

As the Senator from South Carolina has said, nomination in Mississippi is equivalent to election, so Senators who are to be here for 6 years more know they will have the pleasure of serving with him. Other Senators who do not have that much term remaining can merely hope.

Mr. President, once again let me say that we are fortunate indeed. We are glad for our colleague that this honor has been bestowed upon him.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I also wish to associate myself with the remarks made by my colleagues with reference to the distinguished junior Senator from Mississippi [Mr. STENNIS]. I have had the honor and the privilege of serving with the Senator from Mississippi on the Committee on Armed Services. The Senator came to the Senate with a wonderful judicial background. He is a man possessed of a judicial temperament, and of a spirit of fairness and objectivity in matters coming before the United States Senate.

While we do not necessarily agree on all issues, I know the junior Senator from Mississippi to be a fair and honorable man. He is a man whose word is good. He is a man who makes a presentation with great logic and great effectiveness. We are honored indeed that he will be back with us for another 6 years.

Mr. JOHNSTON of South Carolina. I thank the Senator.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Connecticut.

Mr. BUSH. Mr. President, I would not like to let this opportunity pass without saying a word about the junior Senator from Mississippi [Mr. STENNIS]. Especially in the past 2 years it has been a great privilege to serve with him on the Armed Services Committee, on which he is really one of the hardest workers. I think perhaps I could say honestly the Senator from Mississippi does more work for the Armed Services Committee than any other member of the committee. I am inclined to think even the distinguished chairman, for whom we all have great respect, would agree with that statement about the Senator from Mississippi.

I certainly agree with the remarks of my friend from the State of Washington about the Senator's objectivity, fairness, and eagerness to arrive at the right decision on every question which comes before us and before him for decision. He is one of the most conscientious men with whom I have ever had the privilege of working.

So long as we have such little opportunity to nominate a Republican in Mississippi with, let us say, an even chance of defeating my good friend, I must say that we can be satisfied that in this splendid gentleman, this remarkably able Senator, the people of that State can certainly feel they are well represented in the Senate of the United States. We in the Senate who have the privilege of his friendship can look forward to enjoying it in the years ahead.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. JOHNSTON of South Carolina. Mr. President, before I begin to discuss the reasons why I oppose having Alaska made a State of the United States, I should like to say that Alaska is a wonderful country. Alaska has some very fine people. The remarks which I shall make today are not in any way a reflection upon the people who now inhabit Alaska.

Mr. President, literally millions of words have been spoken and written on the subject of Statehood for Alaska. Well-meaning advocates have vied with one another in oratorical marathons in making out the case. And to the enduring credit of statehood supporters, let it be said that the testimony has been colorful and romantic.

The proposition that the Alaskan Territory, with its small population and vast spaces, be brought into the Union, is the kind of appeal which recommends itself to the sentimentally of Americans.

The role of Alaska as the underdog has been vividly portrayed, the image of this David struggling against Goliath forces has been amply projected. Every last shred of emotional appeal has been wrung in the name of the cause of statehood.

I appreciate the effort and applaud the proponents—but I must part company with them on the all-important, vital, essential consideration of the national interest.

When all has been said and done, when all the poetic prose has been spoken, when all the stirring and imaginative exhortations have been penned, the question all boils down to this:

Would statehood for Alaska be good for the United States?

By every objective and dispassionate consideration, I am forced to a conclusion in the negative.

The sprawling area of Alaska does not have a population equal to that embraced in the smallest Congressional District in the United States.

Statehood for Alaska, as constituted in relation to people, to geographical territory, and in relation to statehood, is a political impossibility—the inhabitants could not begin to meet and sustain the financial obligations inherent in statehood status.

Statehood for Alaska violates the principle of contiguous territory, thereby establishing a precedent for other noncontiguous territories, the admission of which as States would pose serious problems for the continental United States.

The pending bill is a gigantic giveaway. Senators spoke of a giveaway of the oil along the coast. If they will but study the bill, they will find that this giveaway is many times the size of the so-called giveaway involved in the oil given to all the States along the coast. If the bill is enacted, this giveaway is to go to one little State of Alaska. It would surrender to the proposed new State all the valuable mineral rights of Alaska, taking away from the National Treasury one of our prized assets.

Granting statehood to Alaska would open Pandora's box.

If statehood for Alaska, why not statehood for Hawaii? For Guam? For Puerto Rico? For the Virgin Islands? For the District of Columbia?

Statehood for all of these would add 10 new Senators and also would take away Representatives from the States to give them representation. Representative government would go out the window. The District of Columbia has a population approximately four times that of Alaska.

Equality of representation in our legislative halls is one of the cardinal principles of our democracy. In granting to some 28,000 voters of Alaska 2 United States Senators and 3 electoral votes, in effect we would be virtually disfranchising the voters of the several States and reducing proportional representation to a nullity. The enthronement of the minority over the rights of the majority makes a mockery of representative government. It would represent the promotion of excessive disproportion to the detriment of the national welfare.

The distinguished Senator from Georgia [Mr. RUSSELL], in a recent commencement address to the graduating class of Georgia State Teachers College, among his very fine remarks made this pertinent observation on minority and majority rights:

> We must carefully examine problems purporting to do justice to a minority lest we actually do injustice to a majority and eventually work great injustice to both the majority and the minority.

By this measurement, we must look not only at a particular problem and the interests of one group or one section of the population, but above and beyond, to the interests of all, the national interest.

As I have said before, Alaska is only the first entry in this parade for statehood; and if one succeeds who can say where it will all end? Once we open the gates of admission to the Senate in this way, we will have produced a system opposed to the best legislative principles of a democracy, equitable representation and proper apportionment.

On the economic and fiscal side of the question there is the proposition that the Federal Treasury accounts for about 65 to 70 percent of Alaska's business. It is apparent that Alaska would not be able to support a State government at this period in its development without extraordinary help from the United States Treasury. It is a fact that Alaska has the dubious distinction of being the only State or Territory that has been unable to finance its unemployment-security payments and was compelled to get a loan from the Federal Government of $3 million for this purpose.

I hope the people of Alaska will realize that if they are granted statehood, taxes will be increased. Considering the assessed valuation of property possessed by the people of Alaska, if they are to operate their own government they must realize that taxes will have to be increased in order to take care of the situation in which they will find themselves when and if Alaska becomes a State.

Possessing a physical area of 586,000 square miles, or one-fifth the actual size of the continental United States, Alaska has a population of only 208,000, and some 80,000 of this number consist of military personnel and their dependents. As a further breakdown of the population of Alaska, there are some 15,000 civil service employees, and about 35,000 who are Eskimos, Aleuts, or Indians. Of the latter groups, a large number are on relief, and of the total population there are about 30,000 schoolchildren.

It must be remembered that the people of Alaska will have to help take care of those on relief. Also, if Alaska is granted statehood, it will have to bear the cost of operating the schools. I do not believe the people of Alaska are able to sustain the financial burden involved. Alaska, from a north-south, east-west geographical consideration, is approximately equal to the size of the entire United States.

These statistics point up the unreasonable tax and fiscal burdens that would be placed on the few who would have to sustain the heavy responsibilities of statehood. It must be borne in mind that 80,000 people sent to Alaska by the United States will not be taxpayers in the event statehood is granted. An oppressive tax structure would be necessary if the proposed new State were to achieve solvency, a structure that certainly would not produce a climate or establish an economic condition that would prove inviting to business or industry.

When the taxes go up, business will not be encouraged to come to Alaska, but, to the contrary, it will stay away from Alaska.

I am worried about making a State of Alaska, knowing the distressed financial condition in which the State will be. I fear that the people will not be able even to develop the natural resources which are in Alaska. There are many reasons why that will be so. Considering the high taxes which will have to be paid in Alaska, business will not want to go there. We must bear in mind that the climate of Alaska also will be a detriment to industries.

So many factors enter into the picture that it seems to me to be not in the best interests even of Alaska to grant her statehood at this particular time.

Subtract from the 208,000 persons who are now in Alaska the 80,000 who are a part of the military organization, and there will be left only 128,000. Bear in mind the type of people who live there. The withdrawal of the military will mean, probably, another drain on the economy. I am not criticizing the people who live in Alaska, but because most of them have been used to living in the climate and under the conditions which exist in that country, they have not pushed out, so to speak, to build up their own Territory.

If Alaska remains a Territory and all its resources belong to the United States, then the gas and the many minerals which abound in that region will be developed. I shall enumerate them later in my speech.

Actually Alaska's biggest industry is defense, and for the maintenance of the military there our Government is expending millions of dollars annually, as well as expending additional millions for installations.

Alaska is a country one-fifth the size of the continental United States, populated by about 160,000 permanent residents, if we consider even a part of the military. Its economic activities are largely seasonal, and are in great part underwritten by the United States Government. Is this Territory, by any fair test of measurement, ready for statehood? It is estimated that Alaska could supply, if all agricultural potentials were utilized, only one-half of its present food requirements. In time of emergency, under full statehood and full development, the problem of affording equal and fair distribution of supplies would be impossible.

As I said a few minutes ago, Alaska's small population is less than one-half the population of a Congressional District in the United States, if we concede its population of 160,000 permanent residents. The average apportionment for a Congressional District in the United States is 365,000.

What is proposed in the statehood bill is a marked departure from anything that has ever been done in our national history: Jumping over a friendly power, Canada, to take in as a State a Territory beyond the northern boundaries of that country.

I call attention also to the fact that Alaska is farther away from the capital of the United States than is Western Germany. It is as far away as England, France, or Belgium. The people of Alaska will have to travel far to do business at the seat of their Federal Government; the Federal Government will have to travel far to do business with the State. That is one reason why I have been advocating moving the Capital of the United States from Washington to the center of the United States. If it is inconvenient to come from the west coast to Washington, it is much

more inconvenient to come here from Alaska. That distant Territory does not have sufficient population to warrant the departure of planes for the United States every hour. That may take place on the west coast, but it is not true of Alaska.

The admission of Alaska as a State would make a break in the compactness of the United States; never in the past, when admitting a new State, have we crossed over territory owned by a foreign power. Admitting the friendliness of our relations with Canada, and anticipating no serious trouble between us, the fact of the physical location of Alaska is still a matter of concern to me.

One of the more disturbing problems connected with the question of extending statehood to Alaska is that of noncontiguity. Unfortunately, Alaska is not connected at any geographical point to any State, Territory, or other land of the United States. The Territory of Alaska is separated from our mainland by, at the very least, 510 miles of water—not an inland lake, not a territorial gulf or bay, not waters the property of the United States. Seattle is separated from Ketchikan by some 700 miles of high seas.

Furthermore, the Alaskan Peninsula's landward connection to the North American Continent is not with the United States but with Canada, a foreign country—a friendly foreign country, true, and, we hope, likely to remain friendly for some time to come, but a foreign country nonetheless.

This problem of the noncontiguity of a proposed State to the United States is unique in American experience. Our history offers no precedent for any move of this sort. But other nations have occasionally experimented in one form or another with a noncontiguous extension or maintenance of national boundaries. The instances that come to mind are few in number, but those situations, some approximately analogous to our own, ended always in disaster. I think it might be instructive to examine some of them.

Ancient history tells us of the glories and victories of Alexander the Great. Having completed the unification, begun by his father, of a state on the Greek mainland, Alexander crossed the Hellespont into Asia in 334 B. C. During the 11 years that followed he conquered an empire at least 50 times as large as his own, and attempted by various methods to amalgamate the 2 parts, European and Asian, into 1 harmonious whole. But upon Alexander's death the sprawling, disconnected empire disintegrated into quarreling factions. Greek Europe and Asia Minor, though separated by only a minor body of water, could not be maintained as a unit.

In a later day, Rome attempted to realize Alexander's dream, but on an even vaster scale. Every shore of the Mediterranean Sea, almost all the Balkans, and the greater part of central and western Europe fell to the Roman sword. Lands as disparate as Britain and Egypt were ruled from the Roman nerve center. So long as they were ruled by the original Romans, the empire hung together. But the effort to maintain control over so immense an area proved too much for Roman manpower. To remedy this lack, the privilege of Roman citizenship was gradually extended to the provincial peoples, and with the diffusion of citizenship began the long and painful decline of the empire.

Another example of the attempt to maintain a noncontiguous nation occurred during the Middle Ages. For some 400 years after William the Conqueror, English monarchs strove to hold both the British Isles and large portions of France and the low countries, separated, though they were, by the English Channel and the Straits of Dover.

There were many ties of kinship between the people of the two lands; and the distances by which they were separated were not very great, even for those days. Yet the effort failed. It culminated in the 100 years' war and in the eventual loss of all of England's territory on the European mainland.

Closer to our own time, all of us are familiar with the case of Germany between the two world wars. Originally a compact land mass, Germany emerged from the peace settlements of World War I with its northeastern province, Prussia, split by a Polish land corridor to the Baltic Sea. It was an unnatural division, greatly resented by the German people, and a not unimportant cause of the resentment that led to the coming to power of Adolf Hitler and to the outbreak of World War II.

In our own day, the headlines present us with an even more poignant example of the disastrous consequences of noncontiguity. France has for generations insisted that Algeria, separated from Europe by the width of the Mediterranean, is not a colonial territory similar to its other overseas possessions, but is an integral part of metropolitan France. The tragic results of this policy, both for the French and for the people of Algeria, are known to all of us.

We might contrast these examples with the comparative wisdom Britain has displayed in similar situations during the past half century. Instead of attempting to incorporate their farflung territories into the United Kingdom, the British have permitted their colonials greater and greater measures of independence as the people have become progressively more capable of self-government.

I do not contend that the situations I have cited are in every detail parallel to our own problem. But certainly these examples from both ancient and modern history should cause us to suspect the consequences that may attend the integration of a distant land into our own national system.

Noncontiguous territories do not make the ideal states for absorption into a nation. History records they have always been a liability, rather than an asset. The late Dr. Nicholas Murray Butler, president of Columbia University, was quite outspoken in his opposition to statehood for noncontiguous Territories. In a letter to the New York Times on July 15, 1947, he said, in part:

> I am greatly distressed at the progress being made in Congress toward the admission of Hawaii to statehood and the like action contemplated first, for Alaska, and then for Puerto Rico.
>
> It is my judgment that to admit one or more of these distant Territories to statehood would be the beginning of the end of our historic United States of America. We should soon be pressed to admit the Philippine Islands, Cuba, and possibly even Australia.
>
> We now have a solid and compact territorial nation bounded by two great oceans, by Canada, and by Mexico. This should remain so for all time.
>
> It would be grotesque to put territory lying between two and three thousands miles away on the same planes in our Federal Government as Massachusetts, or New York, or Illinois, or California, or Texas, or Virginia.

Mr. President, as I have remarked, this bill, as it comes from the House, has a gigantic "giveaway" feature. It grants to the proposed new State of Alaska all the mineral rights for the next 25 years.

As all of us know, Alaska is very wealthy in minerals; and properly these mineral rights are a national asset of the United States Government. At present there is on the books a statute which prohibits this Government from transferring lands to States without reserving the mineral rights; but this bill, as it comes from the House, would violate that statute.

A few years ago the newspapers were filled with articles about the giveaway of some of the oil lands along our coasts. That giveaway was nothing compared to what is proposed to give to Alaska in the bill now before the Senate.

We would be establishing a costly precedent in this bill, for if it should be enacted in its present form, we would be taking away from the United States Treasury great mineral riches; we would be breaking an established pattern that has held throughout our history. The pending bill gives to the proposed State of Alaska the mineral rights to every piece of land it takes, and the land so granted includes one-half of the Territory of Alaska. This giveaway embraces the priceless mineral rights to some 182 million acres of land—natural wealth that belongs to all the people of the United States.

What are the mineral deposits of Alaska? Let us take a look. Alaska has immense mineral deposits, including oil, coal, gold, copper, silver, platinum, tungsten, nickel, tin, and iron, just to mention a few, as well as great timber reserves, hardly touched, and waterpower sites capable of producing about one-tenth as much electricity as the United States produces from all sources.

In the bill before the Senate the proposed State of Alaska is given the right for a quarter of a century to claim any of the lands where valuable minerals are found to be located—and let us remember that Alaska boasts of 33 strategic minerals. This constitutes one of the greatest giveaways in all history, and each and every inhabitant of the United States is going to be short-changed by this proposed surrender of these vital, valuable national assets. What a promotion. What a promoter's dream. It makes Teapot Dome a piker's scheme by comparison.

As I said at the beginning of my remarks, by all the essential measurements of the national interest, the proposal of statehood for Alaska should fail, and I

urge the defeat of this ill-advised measure.

Mr. President, conferring statehood on a noncontiguous Territory is a very grave step for our country to take and consideration of the issue requires the most careful and deliberate thought.

The truth of the matter is, I think it would be well for the bill to go over until next January. The Senators could then go home, talk to the people in their particular States about the proposal, and find out what the people are thinking. Moreover, the people at home are the ones who will be most affected.

One can gather from the welter of comments and commentaries, that to some people the taking of a new State into the Union is about as casual a matter as buying a new suit of clothes. It would be fine if it were that simple.

Another thing: From the press one would gather the impression that the merits of the case had been decided long ago; that because the idea of statehood for Alaska is appealing to many, then the form and content of the bill dealing with statehood is of small concern. They, however, do not look into the provisions of the bill at all.

It is interesting to note how those without the responsibility for this important decision can decide the issue in a twinkling, obviously without any regard for the grave and vital concerns which attend this problem.

To listen to the popular discussion of this issue, one would come to the conclusion that our Government functions as a curbstone debating society and the functioning of the Congress was an outmoded and useless activity.

I have found the debate on the question of statehood for Alaska most enlightening. New light continues to be shed on this many-sided question. Each presentation offers further illumination. Certainly a meritorious measure has nothing to fear from full discussion.

As I have analyzed this proposition, one of the most disturbing aspects of statehood for Alaska remains the question of noncontiguity. I realize that proponents of this bill brush aside this factor as being of little consequence. I, unfortunately, cannot get rid of it so easily or so lightly. When one takes down the map and looks at it, one sees that Alaska is not connected at any geographical point with any State, Territory, or other land of these United States. I believe that by any fair standard of determination this is a fact of considerable importance. Remember that the Territory of Alaska is entirely separated from our mainland by, at the very least, 510 miles of water—not an inland lake, not a territorial gulf or bay, not waters the property of the United States. This is something to think about and dwell on. As an example, Seattle is separated from Ketchikan by some 700 miles of high seas.

The geographic facts I have just cited pose many questions as to transportation, safety and national security. They are challenging facts which cannot be wished away or dismissed with a snap of the fingers.

Additionally there is this striking factor: the Alaskan Peninsula's landward connection to the North American continent is not with the United States, but with Canada, a friendly but foreign country. We have enjoyed the utmost of friendly relations with Canada. There are no border fortifications along the American-Canadian border. In both countries there is a recognition of the mutuality of interests—we have joint committees dealing with our problems here on the North American continent. No nation could ask for a better neighbor than Canada, and certainly that is the way the average American feels about it. Canada has always been ready to stand with this country when totalitarian powers have made war against the Free World. Canada has made her contributions to the Allied cause in past wars. There is no question that Canada realized that hers is a common lot with the United States in the world as it is constituted today. Yet when all this is said and done, the fact remains that Canada is a foreign country and no one here can predict what turn events will take 50 or 100 years from now.

If history teaches us anything it is that things do not remain static. There is an element of the dynamic in history. Literally, powers come and powers go; civilizations, in fact, arise, flourish and die. Our scientists are continually unearthing evidences of the erstwhile glories of past civilizations, some of them on the American continent, as elsewhere on the face of the earth.

Much as we desire it, much as we will do everything within our power to cherish the friendship of the Canadian people and the Canadian Government, the plain fact is that the future course, nature, and complexion of the Canadian Government is an external matter so far as the United States is concerned. The determination of Canada's future lies with the Canadian people. No one can give a guaranty in perpetuity that the situation vis-a-vis the United States is going to remain the same. We would like to think that it would; we would want it that way. The continuance of our existing relations would well serve both countries. But time brings changes in men, political climates, in national institutions. And a government, our Government, has the responsibility of looking down the distant road for possible future contingencies, and for the planning and the adoption of such courses as will best serve our national interests.

Thus, much as we might wish to sidestep this question, much as we might wish it to vanish conveniently and thus remove a vexing problem, we run right smack into the question of noncontiguity. It is a problem unique in American experience, for never since the foundation of the Nation have we had to deal with the question of noncontiguity in connection with a proposed State of the United States. We are handicapped in a great sense by the lack of any precedent in this field. We are handicapped insofar as we the people of the United States have never had to deal with it. In the broader field of history, however, we see that other nations have occasionally experimented in one form or another with it as they have moved toward a noncontiguous extension or maintenance of national boundaries. Although the instances are limited, they are of an analogous nature, significantly they all have had a disastrous end.

Mr. President, let us take a closer look at Alaska, its history, its makeup, its problems, its assets and liabilities.

We are told that Alaska was discovered by a Danish captain of the Russian Navy, Vitus Bering, on July 16, 1741. Soon Russian traders and trappers entered the country and as a result of their activities other countries became interested in the region. In 1774 and 1775 Spanish expeditions visited the southeastern shore, and in 1778 the famous English explorer, Capt. James Cook, made extensive surveys of the coast for the British Government. Historically the first settlement was made by the Russians under Grigor Shelekof at Three Saints, on Kodiak Island on August 3, 1784, and in 1804 the Russian-American Company founded Sitka, making it the seat of government in 1805. Alexander Andreevich Baranof, a Russian merchant employed by Shelekof, was the leader of this easternmost extension.

Following up, we find that in the year 1779 the trade and regulation of the Russian possessions were given over to the Russian-American Company for a term of 20 years—a contract, we are informed, which was twice renewed for similar periods.

In 1821 Russia attempted to exclude foreign navigators from the Bering Sea and the Pacific coast of her possessions, a development which caused a controversy with the United States and Great Britain. The difficulty was adjusted by a treaty with the United States in 1824, and one with Great Britain in 1825, by which an attempt was made to fix permanently the boundaries of the Russian possessions in America.

The purchase of Alaska by the United States for the sum of $7,200,000 in gold was made in March 1867. The transaction was consummated for the United States by Secretary of State William H. Seward at 4 a. m. on March 30, 1867. Baron de Stoeckl acted for Russia on the treaty, which was ratified and proclaimed by President Andrew Johnson on June 20, 1867. Under the treaty, the United States acquired an area of approximately 586,000 square miles. Formal transfer of sovereignty took place at Sitka, the Russian capital, on October 18, 1867. The terms of the treaty provided that all natives of Alaska acquired full rights of American citizenship.

A civil government was established in Alaska in 1884 through a bill approved by President Arthur. The next important step was the creation of the Territory of Alaska in 1912 with the capital at Juneau, providing for a legislature of 2 houses elected every 2 years by popular vote, and a Governor appointed by the President. The legislature meets biennially in odd years and has 40 members; 24 in the lower house and 16 in the senate. Also the Territory has a Delegate to Congress, who has a seat in the other body and membership on committees dealing with Territorial affairs, but no vote. He is elected every 2 years.

The administration of justice in the Territory is through a Federal district court having four divisions with judges sitting at Juneau, Nome, Anchorage, and Fairbanks. These courts enforce both Federal and Territorial laws. There are also local courts in incorporated towns.

The Federal Government took notice of the situation created in Alaska by the Klondike gold rush back in 1890 when it established a code for civil and criminal law in 1889 and 1900. In 1903 the Homestead Act was passed, and Congress in 1906 empowered Alaska to elect a Delegate to represent it in the other body.

Mr. President, I have recited this history in detail to show the slow, gradual development of Alaska. It is a vast, vast land—one might say "sprawling"—it is sparsely populated and cannot be said to be abreast modern standards in that many of its towns lack community facilities. As an overall proposition you could say it does not have the social organization or development that would meet the criteria for statehood.

For example, the Department of the Interior in its Information Bulletin No. 2, Revised, on Alaska, in dealing with the subtopic of transportation facilities, states:

Persons who contemplate traveling to Alaska over the Alaska Highway should check with the proper Canadian authority as to requirements, restrictions, and road conditions. Travel over the highway usually involves the following conditions: Snow, rain, and mud in the spring; dust in the summer; ice and snow in the fall; and hard-packed snow and extreme subzero temperatures in the winter.

This is not a very pretty picture. Neither is it very inviting. I might say that the whole temper and tone of the booklet from which I have just quoted is friendly and generally is intent on selling Alaska to the reader. Yet we can see from a reading of this section on transportation that the highway facilities hardly qualify as recommended; in fact, this official description carries the suggestion of the wild, the rugged, the primitive. One does not get the impression that this Territory has advanced to the point in its development that it is equipped to meet the responsibilities of statehood.

We are dealing with a condition, a terrain, and a climate which are not suited to modern highways and we cannot expect from Alaskan highways what we find in the continental United States in the way of transportation facilities from the standpoint of travel vital to Government business, the Nation's security, and the profitable, pleasureable, and essential movement of large numbers of people back and forth and up and down the United States.

The roads in Alaska were built by the United States. When Alaska becomes a State, it will have to bear the cost of the building of roads. It would not be fair to give one State any preferential treatment over another, or treat it any differently with regard to the building of roads. Alaska will be one of the United States, and she will no longer receive gifts as a Territory, but will have to bear her share of the burden, just as every other State of the United States now does. That is the condition with which it will be confronted.

Mr. President, allow me to quote from the Interior Department's booklet again:

Transportation to most of Alaska is by regularly scheduled airlines, or by car via the Alaska Highway. Passenger steamship service is available only to southeastern Alaska from Vancouver, B. C. Once in Alaska, many of the important settlement areas can be reached over the Territorial highway network. Most settlements in southeastern Alaska can be reached by air.

The Alaska Highway extends from Dawson Creek, British Columbia, about 1,600 miles to Fairbanks. If Anchorage is the destination, the distance from Dawson Creek is roughly 1,700 miles.

Let us keep these distances in mind and relate them to distances in our own States.

Dawson Creek is about 500 miles from Edmonton, Alberta, about 1,500 from Seattle, and about 2,150 miles from Chicago. The highway was conceived and constructed as a military road and is paved only in Alaska. Automobile accessories, such as gas and oil, are available, and minor repairs may be obtained at reasonably short intervals along the highway. Fairly good camping and night accommodations are also available.

Persons who contemplate traveling to Alaska over the Alaskan highway should check with the proper Canadian authority as to requirements, restrictions, and road conditions. Travel over the highway usually involves the following conditions: Snow, rain, and mud in the spring; dust in the summer; ice and snow in the fall; and hard-packed snow and extreme subzero temperatures in the winter.

It seems to me that when a Territory is a candidate for admission to statehood it should be able to pass an examination, as it were, just as a law student has to take his bar exams and the prospective doctor has to pass the State board examinations. It is not enough that a Territory be wished into the Union for emoluments of such status. We are not engaged in a popularity contest. We are here concerned with a vital question that must be squared with the national welfare. This is the test-stone of the issue: Does the proposed action of admission of Alaska to statehood serve the national interest? By every fair and objective standard, I am compelled to answer in the negative. By density of population, by the arrested state of development, by the liabilities created by this retardation, owing to the geographic facts and rigorous climate, Alaska does not measure up to the standards the American people have the right to expect from a candidate for statehood.

My suggestion is that the people of Alaska try a little longer and see if they can develop a little bit further.

Again, taking official Department of the Interior literature as my text, I would like to read a section on Fire on Public Domain:

The long hours of daylight and light rainfall which characterize the summers of western and interior Alaska, create a serious forest and range fire season from April through September each year. Forest fires have burned over an estimated 80 percent of Alaska's domain forest lands during the past 60 years. A majority of the fires are mancaused, by abandoned campfires, carelessly discarded cigarettes, land-clearing fires, and so forth. Lightning fires occur north and west of the Alaska range.

The Bureau of Land Management maintains a small force of fire control personnel which is able to extend limited protection to the more heavily populated areas located along the Territorial highway system and areas within 150 miles by air from Anchorage and Fairbanks.

The Alaska fire control act, as amended, carries penalties for allowing any fire burning on vegetated land in Alaska to escape control. All prospective residents or travelers in Alaska should exercise extreme care to prevent the occurrence of uncontrolled fires; they should contact Bureau of Land Management fire guards at stations located along the highways and obtain copies of the fire laws. They should report all fires detected by them.

It can scarcely be said that this is a condition which recommends statehood. This problem is an immense liability. It is unfortunate, it is regrettable, that it results from the vagaries of nature; nonetheless, it shows again a primitive condition. For the United States, if Alaska were to be admitted as a State, it would represent the inheritance of a large and costly problem, an enormous tax consumer, a perpetual headache to the Federal Government, requiring the diversion of a battalion of Federal workers.

Little has been said about Alaska's school system. The University of Alaska is a Territorial, as well as a land-grant institution located near Fairbanks. Tuition for residents of Alaska is free, but students from the States are required to pay a tuition fee. When Alaska becomes a State will she give free tuition to all American students, or will she take away free tuition from Alaskans?

Alaskans will have to operate the university then and pay for it. Certainly we could not allow 1 State to get free tuition while 48 other States must require their citizens to pay.

The Territorial department of health is financed largely by funds provided by the Children's Bureau of the Department of Labor. There is a Territorial commissioner of health, who is a full-time official. The functions of the department include communicable disease control, maternal and child health services, crippled children's services, public health engineering, and public health laboratories. Eight relief stations are maintained in Alaska by the United States Public Health Service. There are general hospitals in all of the larger towns in Alaska, most of them under the supervision of religious organizations.

Will the new State of Alaska assume these and other public duties, which the other 48 States now primarily conduct for themselves, or must we treat Alaska a little differently from the other States of the Union? Will the new State of Alaska be able to finance the many programs of self-government conducted by the average of the 48 States? If the Alaskans take over their government, the taxes will be unbearable. If they do not take over the government, then the Federal Government will have to treat one State a little differently from the other States. Or, with its small population and huge area and tremendous problems, will Alaska become a sort of

welfare state for the other 48 States to support?

It is ironic, but the largest single industry and source of income for Alaskans is the United States Government. Yes, the Federal Government is the largest single contributor to the wealth of Alaska.

Mr. President, southeastern Alaska, which contains the capital city of Juneau, and other cities, is poorly adapted to diversified agriculture. As has been pointed out, the cost of living in Alaska is on the average higher than that of the continental United States because so much of its food supply has to be imported. This does not make for a stable situation.

Southeastern Alaska has a few small areas of farmland suitable for dairying and for the growing of many of the more hardy vegetables and small fruits. However, the dense cover and rugged topography make the cost of clearing and preparing the land very expensive; indeed, almost prohibitive.

Another unfavorable factor is that the general agricultural enterprises suffer from heavy precipitation. In some sections of the area, the average rainfall is over 150 inches; at Juneau it is about 82 inches. The length of the growing season is about 160 days.

All of these factors have to be weighed, for unless a region has the means of self-support and those assets necessary to a healthy economy, then it is a gross liability to begin with.

Alaska is far from being self-sufficient in the field of agriculture or anything else. As the Interior Department informs us:

> Of the potential farm acreage in Alaska, approximately 6,450 acres were harvested in 1950 by about 510 people gainfully employed on the farms. The products of Alaskan agriculture are insufficient to meet local demands and, as a consequence, much farm produce is shipped into the Territory. It is believed that 50 percent of Alaska's food requirements could be produced in the Territory.
>
> Agricultural experience in Alaska has demonstrated that farming practices of the United States cannot be applied in Alaska without modification. Conditions peculiar to Alaska will be encountered, such as early and late frosts and permanently frozen ground in many northern localities.
>
> Agriculture can be economically expanded at least to provide the Alaska market with a greater proportion of those agricultural products which can be produced there. However, southeast Alaska will probably continue to be more easily provisioned from the United States than from producing areas in the Territory.

With this information, it can readily be seen that it would be unfair for us to entice settlement of a new "State" which, under no circumstances, could ever be guaranteed the same free access which our other States enjoy for purposes of general trade and for obtaining food and fiber. Alaska, be it granted statehood, would never be able to attain equality, for it would always be more subject to the high seas, the airways, and the unguaranteed friendliness of Canada than it would be upon the United States.

Alaska, as a Territory will progress perhaps more slowly than as a State. But, at least, those going there will not be going under the false pretense of a false label; namely, full statehood. Because of the geographical location, the international times, the distances, and the other differences that exist, Alaska, in name or otherwise, will never be able to attain full equality as a State.

Mr. President, just how far we would be extending the boundaries of the United States if we grant statehood to Alaska, the extent to which our then outermost State would be removed from continental United States, can be realized from a comparison of distances.

I wish to bring to the attention of the Senate some official mileage figures which have been provided me by the American Automobile Association. The figures represent actual miles, rather than air miles, for the distances between our Nation's Capital and several pertinent points around the world.

Washington, D. C., to Nome, Alaska, 5,160 miles.

Washington, D. C., to London, England, 3,657 miles.

Washington, D. C., to Rome, Italy, 4,496 miles.

Washington, D. C., to Buenos Aires, 5,801 miles.

Washington, D. C., to Caracas, 2,534 miles.

Washington, D. C., to Moscow, 5,396 miles.

As will be noted, Nome, Alaska, is farther away from Washington, our Nation's Capital, than is London, England. The distance from Washington to Nome is 5,160 miles, whereas the distance from Washington to London is 3,657 miles. Actually, London is closer to Washington by 1,503 miles than is Nome. I wonder how many of us realize this fact. It is something to think about. The comparative figures I have just stated certainly emphasize the degree to which we would be extending our flanks if Alaska were to be taken in as a State. We should also recall that Alaska is extremely close to Russia.

Of equal interest are the statistics on the distances between Washington and Moscow, compared with the Washington-Nome totals. The approximate mileage from our Nation's Capital to Moscow is 5,396. This total, as we can readily see, is only slightly greater than the miles separating Washington and Nome. It is apparent that we would be going far afield if we were to reach out to embrace Alaska for statehood. We would be conferring statehood on a Territory more distant from our seat of Government than large areas on the European continent. It is an historic fact that provinces far removed from seats of government have been trouble spots for the parent powers, down through the centuries.

Canada and the United States have always enjoyed close relations since the end of our struggles with Great Britain. I ask in all sincerity: Will the admission of Alaska as a State, with all the problems of noncontiguousness present, some day prove to be a grave irritant between the United States and Canada? Would the overwhelming desire to become a "real part" of the continental United States some day cause an expansionist-minded or imperialist-minded President to provoke a war between the United States and Canada—God forbid—to bring about a physical union of Alaska with the other 48 States?

This is not an unreasonable question, for stranger things than this have happened in history. It was only within recent years, as I pointed out earlier, that Germany brought on World War II, partly in order to bring Prussia and other noncontiguous people back to the motherland.

No, Mr. President, I have not yet heard one good argument in favor of the incorporation of Alaska as a full-fledged State. I have not heard anyone say that Alaska as a State could pay her way. If she could not, the taxes in Alaska would have to be increased; and, of course, increased taxes would dissuade people from settling in Alaska.

So, Mr. President, I hope the Congress will not pass this measure. I know the arguments on both sides are weighty and sincere. But, Mr. President, it is not proper for emotions to influence the decision of the Senate on this or any other important issue. Instead, it must be decided solely on the basis of facts and the lessons of history.

On that basis, Mr. President, this bill should not be passed. I urge all my colleagues to vote against it, and thus to vote in the best interests of the entire Nation.

I can see nothing but trouble for the United States in the future if Alaska is made a State. I do not like to call any country an enemy, but the country we fear most and the one which many persons think would be the next country we would go to war with, if we should ever go to war, is a country that is close to Alaska—Russia. How easy it would be for Russia to take over Alaska, being so close to her, and Alaska being so far away from us. It is something to think about. The question of statehood is something that could well wait until next year, so that we could think the matter over thoroughly, instead of rushing statehood for Alaska.

Some persons say statehood for Alaska would probably result in our having 2 more Democratic Senators. I, for one, do not believe we need to get Senators on this side of the aisle in that manner. I am not willing to sacrifice the good of the United States for 2 additional Democratic Senators; and, so far as that is concerned, I am as strong a Democrat as is any Senator on this floor.

I know that if 2 Senators are to be admitted into this body from Alaska, they will desire certain things to be done in and for Alaska. Watch my prediction. Alaska cannot survive without additional help, such help as other States are not receiving at the present time. Will we have to show partiality to Alaska? That is a question for each Senator to ask himself.

I wish to make another point so far as gaining Democratic Senators is concerned. I am not worried about that problem, either. With everything going as it is, I predict the Democrats will have a majority of 18 or 20 in the Senate next year, anyway. We on this side of the aisle do not need to compromise with anybody. But the matters I have men-

tioned enter into the question of whether Alaska should be admitted as a State.

As we look back into history, we know that in the days of slavery one State was admitted into the Union with slavery, and then another one without slavery. Trades were entered into in order to balance the number of Republicans and Democrats. But at the present time the issue before us is a greater one than the question of Democrats or Republicans. It is a question of what is best for the United States, and also for Alaska. Alaska will suffer in the long run, and she will find it out when it is too late, after she has become a State.

I hope my colleagues will weigh this matter carefully, in order that they may vote in the way they believe will be for the best interests of the United States. That is what we are hoping.

INCREASED GROUP HEALTH COSTS SHOW NEED FOR SOCIAL SECURITY IMPROVEMENT

During the delivery of the speech of Mr. JOHNSTON of South Carolina,

Mr. PROXMIRE. Mr. President, will the Senator yield with the understanding that he will not lose the floor and that my remarks will appear at the conclusion of his remarks or at some other point in the RECORD?

Mr. JOHNSTON of South Carolina. I yield under those conditions.

Mr. PROXMIRE. Mr. President, the Washington Post and Times Herald this morning published an article about an increase in Blue Cross hospitalization rates in Washington on an average of 42 percent or more, effective in September. This rate increase is part of a general increase in group hospitalization rates across the country. Blue Cross was granted a 30-percent rate increase in Virginia last March, after requesting a 37-percent increase. Blue Cross is now asking for a 22-percent increase in Maryland.

These rate increases underline the predicament of aged people who are trying to live on social security benefits. The reason for the rate increase is that more subscribers are going to the hospital, they are staying there longer, and the cost of caring for them is going up. The average cost of a hospital room in 1952 was $23 a day; today it is $32.

If a retired person has the very good fortune to be a subscriber to a group hospitalization plan, he will have to pay a very substantial part of his monthly benefit to cover the cost of hospitalization. The average old couple on social security receives a benefit check of $110 a month. If they live in Washington, they will pay, after September, $7 a month of that amount for hospitalization.

The single man on social security gets a check, on the average, of $70 a month, and the single woman a check for $54. Out of that, the single person will pay $3.50 a month for hospitalization after September 1.

But these are the fortunate older people. They have group hospitalization. Most older people do not. Only a third of the people over 65 have any kind of health insurance, and less than a fourth of the persons over 75 have health insurance.

Mr. President, I think that group health insurance is one of the great social achievements of our generation. It is a plan of mutual self-help which is far better than calling upon the Government to solve people's health problems. I support private health insurance with genuine enthusiasm. I think it should be clearly recognized and clearly stated that group health insurance rates are going up only as the cost of everything goes up, and as the medical profession discovers more ways to help people stay alive and well.

Nevertheless, there is now an urgent problem which requires a liberalization of our social-security system. Illness is a handmaiden of age, and there is an increasing number of older people. That is why I provide in my social-security bill, S. 3086, that any person eligible for social security, whether or not he is actually receiving benefit payments, is eligible for 60 days free hospitalization annually. It will meet the emergency until older people can qualify for and pay for private insurance.

We cannot close our eyes to the plight of our old and aging people. The cost of living climbs higher all the time. The benefits fixed in the social-security legislation stay the same—unless we have the wisdom and the sense of justice necessary to change them.

Mr. JOHNSTON of South Carolina. I may say to the Senator from Wisconsin that the Committee on Post Office and Civil Service, of which he is a member, is at present making a study of insurance for sickness and hospitalization. In recent years Congress has passed a law for the insurance of Government workers. We have found that such insurance can be obtained for a group at cheaper rates than if it is purchased individually. Furthermore, I think we have found that it is very good to have a yardstick, so as to ascertain the amount of profit which insurance companies make. In that way, they are restrained from paying large salaries, such as $125,000 a year, in one instance, and $150,000 a year in another. Of course, that is not true of all insurance companies.

However, it has been found that the Government workers can be benefited by having the Government cooperate in obtaining insurance for them.

Next year I hope the committee will be able to report a bill which will enable the Government workers to obtain insurance rates much cheaper than they are paying at present, and also insurance which will benefit them to a greater extent.

PROPOSED PADRE ISLAND NATIONAL PARK, TEX.—BILL INTRODUCED

During the delivery of the speech of Mr. JOHNSTON of South Carolina,

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield to the junior Senator from Texas with the understanding that his remarks will appear at the conclusion of mine, and that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of Padre Island National Park in the State of Texas.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4064) to provide for the establishment of the Padre Island National Park, in the State of Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. YARBOROUGH. Mr. President, recently the United States Department of the Interior, National Park Service, issued an important report on America's vanishing shorelines.

In this report Conrad L. Wirth, the Director of the National Park Service, points out:

> One of our greatest recreation resources—the seashore—is rapidly vanishing from public use. Nearly everyone seems to know this fact, but few do anything to halt the trend.
>
> In 1954 a friend of the National Park Service provided funds to take the first step—a survey of the Atlantic and Gulf coastline. The facts uncovered by the survey are alarming.

Mr. President, this survey showed that it is time to act to preserve this priceless heritage—desirable seashore for the public enjoyment.

Along the eastern seashore, millions of Americans wanting a day at the beach face thousands of signs like "Private Property," "No Trespassing," and "Subdivision, Lots for Sale."

With the rapid growth and development of America, and particularly the Southwest, it will be only a few years before Americans will find their gulf seashores no longer accessible to the public if something is not done.

Mr. President, the survey shows that of the 3,700 miles of general shoreline constituting the Atlantic and gulf coasts, only 6½ percent, or 240 miles, are in Federal and State ownership for public recreation uses. This is not nearly enough.

The survey also showed that of the 54 areas most suitable for public seashore recreation, 6 of the areas and one-third of the total beach mileage are in Texas. The total shoreline is approximately 206 miles.

The United States Park Service has urged since 1955 that the highest priority be given to the public acquisition of the 98 miles of Padre Island between the developments at its tips.

Mr. President, in my opinion, the golden sands of Padre Island and the white-capped blue waters of the Gulf of Mexico beckon Americans to one of the most desirable semitropical rest spots in the world.

It is a place of undying historic charm. It was near here that LaSalle first set eyes on this land destined to be the

home of freedom. Here the Karankawas Indians tied their canoes and lived on their catch from the waters alive with trout and crabs and shrimp. From this island the last of Karankawas headed their canoes out into the gulf into an unknown future.

Today, Mr. President, much of this water is still alive. Many the morning when the light first breaks over the surf a silver spoon with a yellow feather will kill big trout until the angler's heart pounds and his arms grow weary from the struggle. Then it is pleasant to lie on the sundrenched sand and watch the seagulls dance stiff-legged along the water's edge—as if they are afraid of getting their feet wet, or watch a fishing boat bob out of sight over the horizon. Somehow cares of man and the world fade away, a man can relax, and God seems near.

Mr. President, this is an area of this country which all Americans should own and have the right to use.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD, along with an excellent editorial on this subject from the Texas Observer entitled "A Public Seashore."

There being no objection, the bill and editorial were ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) the Secretary of the Interior shall acquire by gift, purchase, transfer from any Federal agency, or otherwise, such lands (together with any improvements thereon), as he shall consider necessary or desirable for the purpose of establishing a national park on Padre Island situated in the coastal waters of the State of Texas and extending from near Corpus Christi to near Brownsville, except that the Secretary of the Interior shall not exercise any authority under the provisions of this act unless and until the State of Texas by appropriate legislative action has consented to the establishment of such park.

(b) Any Federal agency is authorized to transfer, without consideration, to the Secretary of the Interior any lands (together with any improvements thereon) which are excess to the needs of such agency for use by the said Secretary in carrying out the provisions of this act.

SEC. 2. (a) The lands acquired under the first section of this act shall be set aside as a public park for the benefit and enjoyment of the people of the United States, and shall be designated as the Padre Island National Park. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of the act entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

[From the Texas Observer of June 13, 1958]

A PUBLIC SEASHORE

In 1955 the United States Department of Interior's National Parks Service urged that highest priority be given to the public acquisition of the 98 miles of Padre Island between the developments at its tips. The land, owned by but a few people, could be bought for $3.5 million, providing an opportunity for beach recreation of a type unmatched by any other area along the Atlantic or gulf coasts. The Government report sang on:

"Its great size and remote character, the attractiveness of its climate for summer and winter use, the excellent fishing and boating opportunities, the safe beach and infinite expanses for hiking and beachcombing * * * the endless sweep of broad beach, grass-topped dunes, and windswept sand formations * * *. These admirable recreation qualities of Padre Island commend it for preservation as a public use area" and raise the question "whether most of the Padre Island area that remains undeveloped might be preserved as a public seashore."

Since 1955 the report has mouldered and the subdividers and exploiters have crept farther and farther down the sand. The State parks board is prohibited by law from spending money to acquire park sites. With such timidity about taxes and the likelihood of a deficit the legislature is not likely to be overtaken by a fit of public zeal. Texas has but the one national park, Big Bend; yet we are the largest of the States. Cannot our potent (alas sometimes too potent) Texans in Washington persuade the Congress to make Padre Island our second national natural shrine? Gentlemen, before it becomes too late, and honkytonks and shacks and litter make the matter moot, let us the people have this for the long, quiet future.

Mr. YARBOROUGH. I wish to thank the distinguished Senator from South Carolina for yielding to me so that I might introduce this important measure. I know that he, representing a State on the south Atlantic coastline, is fully conversant with the need for seashore recreational areas.

Mr. JOHNSTON of South Carolina. I am always glad to yield to the distinguished junior Senator from Texas, for I know what he has to say is always of great importance. What he has stated at this time proves my statement. His proposal is important, not only to Texas, but to all this Nation of ours.

Mr. YARBOROUGH. I thank the distinguished senior Senator from South Carolina for his interest in the matter of the national park proposal.

OBJECTION TO COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, I should like to announce that if any requests are made for committees to meet this afternoon during the session of the Senate, I shall object. Unfortunately, the Senate agreed to permit the Committee on the District of Columbia to meet this afternoon. I trust that committee will use a modicum of good judgment, because I hope that three votes on amendments and points of order will be had this afternoon. I repeat that if any requests are made for Senate committees to meet during the session of the Senate today, I shall object.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER (Mr. JORDAN in the chair). The Senator from Montana.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Purtell
Barrett	Hill	Robertson
Beall	Hruska	Saltonstall
Bricker	Ives	Smith, Maine
Busn	Jackson	Smith, N. J.
Butler	Johnston, S. C.	Sparkman
Case, S. Dak.	Jordan	Talmadge
Clark	Kefauver	Thurmond
Dirksen	Mansfield	Thye
Dworshak	Martin, Iowa	Wiley
Eastland	Neuberger	
Ellender	Proxmire	

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senators from Texas [Mr. JOHNSON and Mr. YARBOROUGH] and the Senator from Michigan [Mr. MCNAMARA] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. FLANDERS], the Senator from Indiana [Mr. JENNER], the Senator from North Dakota [Mr. LANGER], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from California [Mr. KNOWLAND] and the Senator from West Virginia [Mr. REVERCOMB] are absent on official business.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The PRESIDING OFFICER (Mr. JORDAN in the chair.) A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. BRIDGES, Mr. BYRD, Mr. CARLSON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHAVEZ, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOUGLAS, Mr. ERVIN, Mr. FREAR, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HAYDEN, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. KERR, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG, Mr. MAGNUSON, Mr. MALONE, Mr. MARTIN of Pennsylvania, Mr. MCCLELLAN, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. O'MAHONEY, Mr. PASTORE, Mr. POTTER, Mr. RUSSELL, Mr. SCHOEPPEL, Mr. SMATHERS, Mr. STENNIS, Mr. SYMINGTON, Mr. WATKINS, Mr. WILLIAMS, and Mr. YOUNG entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. YARBOROUGH. Mr. President, the strong sentiment in Texas for Alaskan statehood is reflected in editorials from the Dallas Times Herald, San Antonio Light, Beaumont Enterprise, Hous-

ton Press, and Amarillo Globe-Times. I have endorsed and spoken for Alaskan statehood; I think it is time to add the 49th star to Old Glory. I request unanimous consent that all these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Houston (Tex.) Press of May 28, 1958]

DECISION ON ALASKA

Alaska statehood is not the sort of issue that stirs the masses to elect or defeat a candidate for office.

But for that very reason it should stir the consciences of Members of Congress and stimulate them to statesmanship. When a man is not under pressure to vote his district he is free to vote his country—perhaps the greatest challenge and the greatest privilege in politics.

The men who vote on statehood for Alaska this week will be making history. We believe a majority will vote for the bill.

We hope a majority also will stand firm against the tricky efforts to riddle it with amendments, whose purpose is simply to kill statehood itself.

Alaska needs the help of all friends of self-rule in this fight. But it will repay them by making our Nation a stronger and better land.

[From the Amarillo (Tex.) Globe-Times of March 28, 1957]

ALASKA'S STATEHOOD

Alaskan statehood is the aim of the little group of determined elected representatives of that Territory. Chief advocate is Ernest Gruening, Territorial Governor for 14 years.

It is now almost a century since Secretary William H. Seward purchased their entire Territory (one-third the size of the United States) for $7,200,000. At first it was called Seward's Folly. Yet in the past 50 years this investment has repaid itself to the United States many thousandfold in the resources of the far northern area.

In the act by which Alaska was made a Territory in 1867, there was the specific promise that one day it would become a State. Tired of waiting, they called a constitutional convention, officially designated themselves a State and elected themselves a congressman and two senators to represent them in the Congress. Congress, of course, has seated only the Delegate who has no voting rights.

The stratagem is reminiscent of that successfully employed first by Tennessee in 1796. It was said to have been the invention of Andrew Jackson. This same identical route to statehood was followed by Michigan, Oregon, California, Minnesota, Iowa, and Kansas. They designated themselves States, sent representatives to Congress, and Congress finally took them.

The Alaska advocates, mostly people who migrated there from the States, have adopted as their slogan the battle cry of the American Revolution, "Taxation without representation." Their residents pay income taxes like any other citizens and their sons are identically drafted.

Of course, Alaska would be a bigger State than Texas but there is one comfort in the fact that a sizable part of the Alaskan population is ex-Texan.

[From the Houston (Tex.) Press of May 29, 1958]

A NEW STAR TWINKLES

Now it is the Senate's turn to speak up for representative government.

The House, on the firm insistence of Speaker SAM RAYBURN, finally got a chance to vote on Alaskan statehood yesterday and passed the bill by a comfortable margin.

The Senate twice before has approved similar legislation. Its committees have held a multitude of hearings and repeatedly have endorsed admission of this rich Territory to the Union.

The Senate is thus in a position to act promptly and send the bill to President Eisenhower, who yesterday renewed his plea that it be passed.

Only last August the Senate's Committee on the Interior, reporting out a statehood bill for the fourth time, stated the case eloquently and concisely.

The committee said: "Over a period of many generations, and under conditions that would stop a weaker breed, Alaskans have tamed a great land and have offered it to the Nation for its many values, all in justifiable reliance on Alaska's ultimate destiny as a full member of our proud Union of States. Now is the proper time for Congress to fulfill this destiny.

The 49th star twinkles. The Senate can make it gleam.

[From the Beaumont (Tex.) Enterprise of May 30, 1958]

ALASKAN STATEHOOD

What will happen to the Alaska statehood bill in the Senate is anybody's guess.

However, some statehood advocates believe the outlook for passage is good. Among these is Secretary of the Interior Seaton, who exclaimed after House approval, "We will win the battle."

We also learn that the action of the lower Chamber gave the people in the big northern Territory a severe case of statehood fever—for them a happy ailment.

Republican leaders and southerners tried hard to prevent passage of the measure in the House.

In this connection, it is interesting to note that one of the arguments against statehood for both Alaska and Hawaii is that the Senators elected by them, whether Republican or Democratic, would in all probability vote "liberal" on many issues because of their pioneer status.

Southerners have long argued, in a somewhat similar vein, that the new Senators might upset the delicate balance on the issue of cloture.

Many Americans think these reasons for opposing statehood for the two Territories are shallow and unreasonable. We are among them.

In fact, opinion polls show the public to be in favor of admitting both Alaska and Hawaii by an overwhelming majority.

Besides, both political parties are officially committed to admission. Special appeals for such action have been made by President Eisenhower.

[From the San Antonio (Tex.) Light of May 30, 1958]

ALASKA

After having been floored by an unofficial vote the day before, the Alaska statehood bill got off the canvas Wednesday and through to passage in the House by the surprisingly impressive vote of 208 to 166.

It was not only a dramatic victory against the aggressive opposition of a coalition of Republicans and southern Democrats. It may be the key one in the more than 40 years that Alaska has been seeking statehood. For the prospects of passage in the Senate look good.

In this fight for statehood for a great and worthy Territory we extend our congratulations to Speaker SAM RAYBURN, who exerted his tremendous influence in its behalf; to Representative LEO O'BRIEN, New York Democrat and author of the bill, and to such stalwart Republican helpers as Representatives JOHN SAYLOR, of Pennsylvania, and A. L. MILLER of Nebraska.

And may we add that we are proud that the Light and the other Hearst newspapers have been fighting for Alaska statehood for years.

The American people support Alaska statehood 12 to 1. President Eisenhower has placed his weight behind it. Let's hope the Senate will remove the last barrier—soon.

[From the Dallas (Tex.) Times Herald of May 9, 1958]

WHY ISN'T ALASKA ADMITTED?

Alaska is all dressed up and ready to go as the 49th State of the Union. It has adopted a State constitution, and its 210,000 inhabitants have voted 2 to 1 for statehood.

Yet it is proving hard to get an Alaskan statehood bill through Congress. The Territory thought it might get in as Tennessee did by electing senators and representatives for Congress to seat, but these men are still waiting in Washington for formal recognition.

The Alaskans pay the same Federal taxes we pay and send delegates to our national party conventions. But they are not allowed to vote in our presidential elections, they have no voting spokesmen in Congress, and the President appoints their Governor.

The situation of the Alaskans is much like that of the Thirteen Colonies before the revolution who raised so much cain about taxation without representation and made things hot for the governors set over them by King George.

The Alaskans are more patient than the colonials were. They have held no indignation meetings to talk about "liberty or death." They have not done violence to tax collectors. And they have not dumped any United States cargoes overboard. But their patience is beginning to wear thin.

When we bought the area from Russia 91 years ago the Alaskans were promised "all the rights, advantages and immunities of citizens of the United States." They hold that it is about time for this promise to be kept.

Inhabitants of some of the States who are restive under Federal encroachment and the rulings of the Supreme Court may wonder why the Alaskans are panting so earnestly for statehood. But for some reason the territorials want to get into the Union. They like the United States and they crave the honor of being represented by a star on the blue field of Old Glory. Why is Congress so reluctant to admit them?

Mr. MONRONEY. Mr. President, I call up my amendments, which are submitted by me on behalf of myself, the Senator from Florida [Mr. SMATHERS], and the Senator from Arkansas [Mr. FULBRIGHT].

The PRESIDING OFFICER (Mr. CLARK in the chair). The amendments will be stated.

The CHIEF CLERK. It is proposed to insert the following preamble:

Whereas the principle of self-government is the cornerstone of democracy; and

Whereas our Government exercises sovereignty over the Territory of Alaska wherein the principles above stated are not now given their fullest expression; and

Whereas it is the desire of the Congress to remedy this condition and establish a policy for the future for overseas or noncontiguous areas consistent with our ideals and principles as to the maximum degree of self-government and as to principles of taxation; and

Whereas the people of the Territory of Alaska have demonstrated their loyalty to the Government of the United States, its traditions and teaching, and a readiness to achieve a status above and beyond that of an incorporated territory; and

Whereas the Congress is desirous of granting the Territory of Alaska the fullest practical self-expression in the form of Commonwealth status under the jurisdiction of the United States: Now, therefore.

It is also proposed to strike out all after the enacting clause, and insert in lieu thereof the following:

That (a) this act is enacted in the nature of a compact so that the people of the Territory of Alaska may organize a government pursuant to a constitution of their own adoption. Such government, when properly organized as hereinafter specified, shall be called a "Commonwealth of the United States of America." It is the intent of Congress that the highest degree of self-government within their respective areas be vested in the people and in their elective governments. This authority will be exercised within the framework of and under the Constitution of the United States and the laws of the United States, excepting those which by act of the Congress are made inapplicable to such areas. This act shall be submitted to the qualified voters of such Territory for acceptance or rejection in a referendum to be held for such purpose under the laws of such Territory. If this act is approved by a majority of the votes cast in such referendum, the legislature of such Territory shall call a convention to draft a constitution providing self-government as a Commonwealth of the United States for the people of the Territory. Such constitution shall provide a republican form of government and shall include a bill of rights.

(b) Upon adoption of the constitution by the people of such Territory, the President of the United States shall, if he finds that such constitution conforms to the Constitution of the United States and the provisions of this act, transmit such constitution to the Congress of the United States. Upon approval of the Congress, the constitution shall become effective in accordance with its terms, subject to the conditions and limitations of the act of Congress approving it.

SEC. 2. It is hereby declared to be the intent of Congress that upon adoption of a constitution by, and with the granting of complete Commonwealth status to, the Territory of Alaska, as provided for in this act, the laws of the United States shall be amended in order to provide that residents of Alaska shall be treated under such laws in a manner similar to the treatment given to residents of Puerto Rico under such laws at the present time, the purpose of such treatment being to allow the government of Alaska, in line with its newly acquired Commonwealth status, to realize full benefits from taxation of income produced within its boundaries.

It is also proposed to amend the title so as to read "An act to authorize the people of the Territory of Alaska to form a constitution which will provide self-government as a Commonwealth of the United States for such Territory."

Mr. MONRONEY. Mr. President, on the question of agreeing to my amendments, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MONRONEY. Mr. President, I should like to describe briefly, once again, my amendments which call for commonwealth status for the Territory of Alaska.

Yesterday I spoke at length in describing these amendments, which are in the nature of a substitute, would strike out all after the enacting clause, and provide that the citizens of Alaska shall have a right to vote and to determine whether they wish to have statehood or wish to have a commonwealth status.

Mr. President, this proposal has never been offered to the Territory of Alaska. Consequently, the people of Alaska have not had a chance to choose between the two forms. Only the political leadership in Alaska and, to judge from the mail I have received, not an overwhelming majority of the people of Alaska advocate statehood even for themselves.

I have never seen less enthusiasm in the Senate, during my service here, for any measure than has been evidenced in the effort to pass the Alaskan statehood bill during the past few days. Perhaps a sufficient number of Members of the Senate have been committed, by the consistent and effective lobby, and have pledged votes for the admission of Alaska. Since a rule as old as the Republic, namely, that against taking into the Union areas which are not a part of the land mass which forms the United States—and are not contiguous either to other States or to Territories of the United States—would be violated, I feel that we should stop, look, and listen before we set a new pattern of admitting offshore territories to statehood.

Mr. President, this is not a simple decision of acceding to the wishes of nice people who wish statehood. If we vote for statehood for Alaska, it is a decision we shall have to reckon with, not only in the case of other Territories, which may seek admission, but also in the case of islands and other parts of the world which might like to become States of the Union.

As I said yesterday, I feel much of the strength of the United States rests in the fact that it is united, that every State touches another State. We have a common north-south border and a common east-west border, within which we have a united land mass. When we depart from that pattern and take into the Union as a State a Territory that is over 2,000 miles away from this country, between which area and the present United States lies the sovereign territory of Canada, we set a new pattern. If we take in Hawaii as a State at a later date—and we certainly will if we pass this bill—we shall have a State which is separated by more than 2,000 miles of blue water from the present United States. When such a new pattern would be set, I think the question deserves better examination and more thoughtful consideration than apparently the Senate is giving to this proposed legislation.

I feel, if we believe in the right of the people to make their own determination, the least we can do is permit the people of Alaska to vote on whether they prefer statehood or a commonwealth status. Under a commonwealth status the people of Alaska would have complete autonomy. They would elect officials of their own government, the legislature, and the courts. They would have complete self-government in every respect, except that they would not have two United States Senators or a voting Member of the House of Representatives. They would still have their delegate in the House.

I do not believe in taxation without representation. In exchange for giving the Alaskan people a commonwealth status, they would be exempt from income tax on money invested in the Territory of Alaska.

If we want to develop this great land mass—and I am one of those who does—we shall help the people of Alaska to obtain that objective more by working for an economic base on which statehood can be sustained than by giving the Territory statehood on an economic basis which cannot possibly support the duties and obligations of statehood. The Territory would lose much of the $350 million that goes into the area by way of highways, defense activities, public works, and other such projects, which Alaska receives as special consideration and which the 48 States do not receive. If Alaska were to obtain statehood she would have to face up to the duties of statehood and pay her proportionate share of State matching funds. The payments for the construction of airports, highways, hospitals, and other such works would have to meet the same tests as apply to such projects in the State of New York or the State of California.

Statehood would be a poor substitute for a viable economy and the extraordinary support from the Federal Government which Alaska now receives in a myriad number of activities, such as public highways and hospitals. As one citizen stated in a letter to me, which I read into the RECORD yesterday, "The tin cup will be gone."

Mr. President, are we afraid to trust the people of Alaska to vote on the question whether they favor statehood, or a commonwealth status, which will give them a moratorium on certain obligations over the years and also freedom from income tax so long as they remain under a commonwealth status?

If we cross the line and grant statehood to Alaska, the action will be irrevocable. There will be no way whereby Alaska will be able to rid itself of statehood and revert to a territorial or a commonwealth status.

I think the 90,000 permanent residents, a third of whom are Eskimos, Aleuts, and others, will be unable, with the revenues which will be available to them, to pay the high Federal income taxes and the capital gains taxes on investments in high risk areas in an effort to create a suitable economy.

By granting statehood we would be letting Alaska build up to an economic collapse, long after the shouting is dead, and lead them to regret that they took the statehood step instead of the commonwealth status step. My amendment affords an opportunity to let the Alaskan people choose the commonwealth status, if they wish to take it. I feel it is one step which could be taken really to build up and create a greater Alaska.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to a long supporter of commonwealth status for Alaska.

Mr. FULBRIGHT. I wish to associate myself with what the Senator from Oklahoma has said.

Have the people of Alaska ever directly voted upon the question of statehood?

Mr. MONRONEY. It is my understanding they voted upon the question when it was tied in with a vote on fish traps. The people were told they should vote "no" in order to kill fish-trap regulation and "yes" in order to have statehood. I do not recall the exact vote, but there was a vote in favor of statehood. The people adopted a State constitution, which has raised some questions. Frankly, if an accurate vote were taken on the question of statehood or commonwealth status, there is no doubt in my mind the vote would go the other way, knowing as the people of Alaska would, the facts and the advantages if allowing the Territory to build up its economy. The people have had nothing else to vote for but statehood. The lobby has made it appear that unless one is for statehood, he is against Alaska. I think that those who are so anxious for statehood for Alaska, without an economic basis to maintain it, are doing an injustice to Alaska. They would do far more to help Alaska by providing a means by which Alaska could build up its economy, so the people could later vote to join the Union.

Mr. FULBRIGHT. Has any Senate committee seriously considered commonwealth status for Alaska? Has the committee called before it witnesses and has it examined into the effect of such a move?

Mr. MONRONEY. I think I testified, and I believe the distinguished junior Senator from Arkansas testified, before committees of the Senate. The distinguished chairman of the Committee on Interior and Insular Affairs held hearings a number of times. He has been very courteous to me in allowing me to address the committee.

Mr. FULBRIGHT. My memory may be faulty, but I thought we testified with respect to a commonwealth status for Hawaii. I believe that was in 1954.

Mr. MONRONEY. I believe the question of Hawaii was up for consideration at that time, but the question applies both ways. If we are to set a pattern, I believe it is important to set a pattern of commonwealth status for offshore areas, which gives them the right of self-government, without overrepresentation in the Senate of the United States.

I thank my distinguished colleague for his support. I feel we should have a vote on the amendment. It is a very important amendment. I yield the floor——

Mr. SALTONSTALL. Mr. President, will the Senator yield to me so I may ask him a question?

Mr. MONRONEY. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Massachusetts is a Commonwealth. There are four Commonwealths in the United States. I assume what the Senator from Oklahoma means, of course, is such a commonwealth status as that of Puerto Rico?

Mr. MONRONEY. That is correct. The term commonwealth status is not one of depreciation. Of course, the proud name of the Commonwealth of Massachusetts proves that. But, of course, Massachusetts is a State that calls itself a Commonwealth. We have tried the commonwealth status in Puerto Rico. It has worked well. I think it would be a fine thing for Alaska, and would help develop it, if the Senate would adopt my amendment.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with the remarks of the Senator from Oklahoma. I shall support the substitute.

For the record, I should like to say that on March 29, 1954, as shown in the CONGRESSIONAL RECORD, volume 100, part 3, page 3950, I undertook to describe at great length my views on the question of commonwealth status for Hawaii. I should like to invite the attention of Senators to that RECORD. I shall not take the time of the Senate to repeat the arguments, since I know the Senate is anxious to vote, but I wish to add 1 or 2 observations about the matter.

It seems to me, Mr. President, it would be extremely shortsighted of the Senate to take precipitate action, which would be irrevocable if the bill were passed, on the question of statehood for Alaska. If, in the light of experience, we consider the very favorable developments in Puerto Rico, I think that alone should give the Senate pause to reconsider what I think is a rather sentimental decision with respect to a noncontiguous Territory.

Puerto Rico has had an unusually successful experience under the status of a Commonwealth. There are many aspects of that particular development which I think would apply to Alaska and would apply to Hawaii or to any other Territory which desires to be closely associated with this country.

Briefly stated, as was mentioned by the Senator from Oklahoma, such a status would confer complete local autonomy, but the United States would furnish defense, in the form of an Army and Navy, in the international sense, and also diplomatic representation. The Commonwealth would be reviewed of that burden, but would be enabled to exercise complete local autonomy.

If we look at the United States today impartially and objectively, it is easy for us to see that the United States is suffering from a great many difficulties. It is suffering from a great many difficulties internally relating to the adjustment of racial differences and economic differences. We are having great trouble in making our system, which is extremely complex, operate efficiently. We are having even greater troubles on the international scene. We should not be further burdened with additional States, it seems to me. That appears to be exactly the wrong thing to do. I think it would be far better and much more efficient to grant to the outlying Territories, if they wish to have it, the status of a Commonwealth.

The people of Puerto Rico regard their Commonwealth in the nature of an associated country. The people there feel they are an independent State associated with the United States. I believe that is the proper concept.

The difficulties which arise within a community growing out of racial, economic, or religious differences should be settled at the local level, and should not become embroiled with national policies which involve the 48 States.

I think we would be asking for additional trouble to admit Alaska as a State. I expect that soon thereafter there would be a request for statehood for Hawaii, and I presume for any other island so desiring it. Once the process gets started, I do not know where it would stop. Such a process would only further burden the already creaking machinery of the United States Government.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MONRONEY. Would the Senator be able to conceive of any reason in the world why if we admit Alaska to full statehood, as well as Hawaii, Puerto Rico would not be entitled to the same status as a State?

Mr. FULBRIGHT. The only thing I can say is that I do not think the people of Puerto Rico want to have Puerto Rico become a State.

Mr. MONRONEY. The people there are happy.

Mr. FULBRIGHT. The people there are intelligent enough to see the advantages of their present status. If our people would bother to consult the people of Puerto Rico, I think they would discover there are great advantages in not being subjected to arbitrary dictation from the Federal Government on many matters, as would happen under statehood because of our great attachment to conformity in all its aspects in regard to social and economic life.

I have 1 or 2 other ideas I should like to offer for the consideration of my colleagues.

In addition to our own satisfactory experiences in Puerto Rico, the British experiences in the same field have resulted in the decentralization of their great empire. Britain was a country during the last century which had a power comparable to that of the United States today. Instead of incorporating and completely integrating all their possessions into one single government, the British have proceeded to decentralize, to give independence, by the creation of commonwealth status, which in many respects is similar to the relationship between Puerto Rico and the United States. That effort has been successful.

In contrast, the French have attempted to integrate or to incorporate within the metropolitan government certain areas in north Africa, a process which is already causing great trouble, as we all know. The relationship today between Algeria and France is causing extreme concern not only in that area, but

throughout the Western World, because of the dangers inherent in the relationship.

The proposal for Alaskan statehood is a proposal to incorporate a noncontiguous territory, which is similar in many respects to the incorporation of Algeria by France. I predict it will be a most unsatisfactory relationship in the long run.

Both those experiences are in accord with the basic reasoning which supports the substitute offered by the Senator from Oklahoma.

I think the country and the Senate have become committed as a result of ill-considered planks in the platforms of the two parties, adopted under what we all know to be the superheated emotional atmosphere of a political convention. When the delegates went to the conventions they thought, "What can we do to attract a little support here and there?" Then poth political parties decided they wanted to favor statehood for Alaska and Hawaii. I think that was an extremely shortsighted view to take on such an important matter.

There is one last thought I should like to suggest. We should consider the many other countries which lie in this hemisphere, many of which have their own individual customs and traditions. I do not wish to in any way interfere with the local control of their affairs. I have often thought how much more reasonable would be a relationship of association of many of the small countries and this country, after the fashion of Puerto Rico, which association would relieve those countries of the great burden of defense and conduct of their external affairs.

I say this not with any thought that we should attempt to persuade or coerce any such country to follow such a course; but I believe commonsense indicates it might be most beneficial for this country, and many other countries, to associate in the same way Puerto Rico has associated with the United States.

The recent report of the Rockefeller Brothers Fund on the development of the economics of the Western Hemisphere I think is consistent with the idea I have suggested. There should be a regional approach for the whole hemisphere, North and South America together. If there is to be closer economic association—and there certainly ought to be closer economic association—I see no reason why a similar voluntary association in the political field would not be extremely useful.

I shall regret the action of the Senate if, instead of pondering these matters, it rushes into granting statehood. The concept of statehood developed in an era when none of the problems which today threaten this country and the Western World were really urgent. I submit that conditions have changed substantially since the time when the idea of taking Territories into the Union was a current one and one which was justified by conditions then existing. Many changes have taken place since 1912. The burdens of administering the affairs of 48 States has become almost unmanageable.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I wonder if the Senator from Arkansas has looked into the question of the permancy of the action. It is easy to grant statehood, but how impossible is it for a State to get out of the Union?

Mr. FULBRIGHT. As I said, the action is irrevocable. As I understand, short of a revolution, which would upset the whole arrangement, a State cannot abandon or reject statehood itself once it is established.

Mr. JOHNSTON of South Carolina. If, on the other hand, Alaska should become a commonwealth, it could make a change; is that not true?

Mr. FULBRIGHT. The status of commonwealth results in a flexible situation. If we so desired, and Puerto Rico so desired, we could change the basic legislation and make a State of it. However, as I understand the constitutional system, no State may secede. As I recall, we had a little controversy over that question some 98 years ago, and it was determined by a superior power that a State may not secede. But our association with Puerto Rico is entirely voluntary. Congress passed an enabling act. The Puerto Rican legislature drew up a constitution and we approved it. I think there is no inhibition upon them which would prevent them from coming forward and saying, "We would like to change the constitution"—in any reasonable way they might wish. They might apply for statehood.

I think the best evidence of the wisdom of our relationship with Puerto Rico is the satisfaction of the people of Puerto Rico today with their own status. I spent a week there during the Easter recess, and I went into conditions at considerable length with the great Governor of Puerto Rico.

That island has developed one of the finest governments I know of. Their Governor, Luis Muñoz-Marín, is one of the outstanding public servants I know of anywhere, either in this country or any other country.

In addition, he has developed some very fine officials in his Cabinet, and they are doing a remarkable job in the development of Puerto Rico. There is a sense of purpose and of dedication in their public service which is very difficult to find in any other country in the world.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JOHNSTON of South Carolina. I do not believe that many inhabitants of Puerto Rico would be willing to have Puerto Rico come into the Union as a State.

Mr. FULBRIGHT. Certainly it would be only a very small minority. There is practically no such talk any longer. The people of Puerto Rico are extremely proud of what they have done under their constitution.

Mr. JOHNSTON of South Carolina. The Senator is entirely correct. I have been there several times in the past few years. The people are very well pleased. I believe they would vote 3 to 1 not to come in as a State.

Mr. FULBRIGHT. It is only commonsense. Those people have control of all their local conditions, in every aspect—taxation, economic development, religion, racial relationships, education, and so forth. They control everything at the local level. It would be extremely dangerous to subject that island to control from Washington. What do Members of Congress know about Puerto Rico? What do we really know about Alaska? How many Members of Congress will take the trouble to learn about it, so as to be qualified to legislate intelligently about Alaska or Hawaii?

I think it would be very stupid to grant statehood to Alaska.

Mr. JACKSON. Mr. President, I regret very much to have to disagree with three of my distinguished colleagues in connection with the pending substitute proposal to provide commonwealth status for Alaska in lieu of statehood.

Much has been said about Puerto Rico, and about north Africa, in connection with north Africa's relationship to France.

First, let me make it clear that the people of Puerto Rico asked for commonwealth status. On three different occasions the people of Alaska have voted for statehood. They voted for statehood in 1946 by a 3-to-2 majority.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. Can the Senator say what that vote was?

Mr. JACKSON. I do not have the figures.

Mr. FULBRIGHT. Is it not true that only a few thousand votes were cast?

Mr. JACKSON. Let us not talk about the percentage of votes cast. It might be a little embarrassing to look at the percentages of votes cast in a number of States.

Mr. FULBRIGHT. The total number of votes was only a few thousand; is that not true?

Mr. JACKSON. I have read some accounts of elections in certain parts of the United States in which the total number of votes cast, as compared with the number of those eligible to vote, was very small.

Mr. FULBRIGHT. That is irrelevant. The point I make is this: Are we, a country of 170 million people, to grant statehood merely because eight or ten thousand people in Alaska wish it?

Mr. JACKSON. I am merely answering the argument posed by the distinguished Senator from Arkansas. In April 1956 the voters approved the proposed constitution for the future State of Alaska by a 2-to-1 majority; and at their last session the members of the Territorial legislature, by unanimous vote, petitioned Congress for immediate statehood.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JOHNSTON of South Carolina. I should like to ask how many voted in the election referred to in Alaska.

Mr. JACKSON. I will have the figures in a moment.

Mr. JOHNSTON of South Carolina. Let me ask one further question. If Alaska should become a State, would the Senator deal with it as we deal with other States in the United States, and give Alaska the same financial aid we give other States of the Union?

Mr. JACKSON. Provision has been made for such aid. For example, the Highway Act, except the superhighway program, applies to Alaska on virtually the same basis as it applies to other States.

Mr. JOHNSTON of South Carolina. Would the Senator expect the people of Alaska to support themselves, as do the people of every other State in the Union?

Mr. JACKSON. Certainly they would support themselves. Under the Constitution, we cannot enact special legislation for one State, discriminating against another.

Mr. JOHNSTON of South Carolina. Would it not be found that taxes would be unbearable in Alaska, and that no one would go there to create any new industries?

Mr. JACKSON. That question has been thoroughly covered in the debate. I respectfully differ with my distinguished friend from South Carolina.

Mr. BARRETT. Will the Senator yield?

Mr. JACKSON. I yield.

Mr. BARRETT. First, let me commend the Senator from Washington for the excellent fight he is making for statehood for Alaska. He and I made a trip to the Territory about 5 years ago. We held hearings in five different communities there. We gave everyone the opportunity to come forth and state his position on statehood, one way or the other. The sentiment was overwhelmingly for statehood on that occasion. I understand that it is even stronger today.

It seems to me that the chief difference between Puerto Rico and Alaska rises mainly from the fact that Alaska was incorporated as a Territory by the Congress in 1912. The Supreme Court has stated on more than one occasion that an incorporated Territory of the United States is an inchoate State. Congress, by its action in 1912, gave its commitment to the people of Alaska that, at some time or other, they would be entitled to come into the Union as a State, on an equal footing with all the other States of the Union. So it seems to me that the evidence is conclusive that the time has now arrived, and that the Congress is in duty bound to carry out the promises and implications of the action of 1912, and grant full statehood to Alaska. Therein lies the difference between Alaska and Puerto Rico.

Mr. JACKSON. I was about to come to that point. In Rasmussen against United States, the Supreme Court held, by implication, that once a Territory is incorporated, it cannot be unincorporated. I think my colleagues overlook that point.

Furthermore, in connection with the vote by the people of Alaska, I remind my colleagues that under the terms of the pending bill, the people of Alaska, as a condition precedent to ultimate statehood, must approve immediate statehood by a plebiscite.

Reference has been made to France and north Africa. In the case of Africa, the French population is a small minority. The majority of the population does not speak French. In the case of Puerto Rico, the majority of the population does not speak English. Most of the people speak Spanish. It is a bit ridiculous to say that the relationship of Alaska to the United States is the same as north Africa to France, or as Puerto Rico to the United States.

I invite the attention of Senators to the fact that, in the recent primary election for Alaska's Delegate in Congress, the only candidate advocating commonwealth status received only one-ninth of the vote. The people of Alaska know what they want. They want statehood.

In conclusion, I should like to say that we have thoroughly considered the question of commonwealth status, not only in connection with the pending bill, but at previous sessions of Congress when the question of Alaska statehood was before Congress. I respectfully submit that, in the best interest of our country and the people of Alaska, the substitute proposal should be voted down, so that statehood may be granted to Alaska.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield.

Mr. LAUSCHE. I am looking at page 99 of the committee report. Shown there are the dates on which the various States were admitted to the Union, and the population of those States at the time they were admitted. It also shows the increase in population which took place after the States were admitted to the Union. Does the chairman of the subcommittee have a table showing what the population of the country was in the years when the respective States were admitted? I ask that question because the table in the report does not give a true picture. For example, California, at the time of its admission in 1850, had a population of 92,000. One should know what the population of the country was in 1850 in order to understand what proportion 92,000 was to the total population of the country. Alaska now has a population of about 220,000. That is a proportion of 220,000 to 174,000,000.

Mr. JACKSON. I do not have the specific figures to which the distinguished Senator from Ohio refers. However, I should like to call his attention to an example in that respect. Wyoming in 1890 had a population of 62,000. If we allow an increase of over 3½ times since then, Alaska would still have a population in the same proportion. I do not have the specific figures.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Oklahoma [Mr. MONRONEY]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. IVES (when his name was called). On this vote I have a pair with the senior Senator from California, the distinguished minority leader [Mr. KNOWLAND]. If he were present and voting he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. BUSH (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Kentucky [Mr. MORTON]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Tennessee [Mr. GORE], the Senators from Texas [Mr. JOHNSON and Mr. YARBOROUGH], and the Senator from Michigan [Mr. MCNAMARA] are absent on official business.

I further announce that, if present and voting the Senator from New Mexico [Mr. CHAVEZ], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. FLANDERS], the Senator from Indiana [Mr. JENNER], the Senator from North Dakota [Mr. LANGER], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from California [Mr. KNOWLAND], the Senator from Kentucky [Mr. MORTON], and the Senator from West Virginia [Mr. REVERCOMB] are absent on official business.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is detained on official business.

The pair of the Senator from California [Mr. KNOWLAND] has been previously announced.

Also, the pair of the Senator from Kentucky [Mr. MORTON] has been previously announced.

If present and voting, the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], the Senator from West Virginia [Mr. HOBLITZELL], and the Senator from Maine [Mr. PAYNE] would each vote "nay."

The result was announced—yeas 29, nays 50, as follows:

YEAS—29

Bridges	Johnston, S. C.	Robertson
Butler	Jordan	Russell
Byrd	Kerr	Saltonstall
Curtis	Lausche	Schoeppel
Eastland	Malone	Smathers
Ellender	Martin, Iowa	Stennis
Ervin	Martin, Pa.	Talmadge
Frear	McClellan	Thurmond
Fulbright	Monroney	Young
Hickenlooper	Mundt	

NAYS—50

Aiken	Clark	Humphrey
Allott	Cooper	Jackson
Anderson	Cotton	Javits
Barrett	Dirksen	Kefauver
Beall	Douglas	Kennedy
Bennett	Dworshak	Kuchel
Bible	Goldwater	Long
Bricker	Green	Magnuson
Carlson	Hayden	Mansfield
Carroll	Hennings	Morse
Case, N. J.	Hill	Murray
Case, S. Dak.	Holland	Neuberger
Church	Hruska	O'Mahoney

Pastore	Smith, Maine	Thye
Potter	Smith, N. J.	Watkins
Proxmire	Sparkman	Williams
Purtell	Symington	

NOT VOTING—17

Bush	Ives	Morton
Capehart	Jenner	Payne
Chavez	Johnson, Tex.	Revercomb
Flanders	Knowland	Wiley
Gore	Langer	Yarborough
Hoblitzell	McNamara	

So Mr. MONRONEY's amendment, in the nature of a substitute, was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the amendment in the nature of a substitute was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EASTLAND. Mr. President, I make the point of order——

The PRESIDING OFFICER. The Senate will be in order. Senators will refrain from audible conversation. They are requested either to take their seats or to leave the Senate Chamber.

Mr. EASTLAND. Mr. President, I make the point of order that section 10 of H. R. 7999 violates the constitutional requirements for equality of States.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Chair rules that it is not within the province of the Presiding Officer to rule a bill out of order on the ground that it is unconstitutional. The Presiding Officer has no authority to pass on the constitutionality of a measure or of amendments. That is a matter for the Senate itself to decide. The Chair accordingly refers the point of order to the Senate.

Mr. EASTLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, will the Senator from Mississippi yield for an inquiry?

Mr. EASTLAND. I yield.

Mr. DIRKSEN. I assume that the Senator from Mississippi will debate the point of order at considerable length. I am inquiring, only for the convenience of Senators.

Mr. EASTLAND. To be perfectly frank, I spoke all afternoon the day before yesterday on the points of order; I had not intended to debate them at length today.

Mr. DIRKSEN. I was asking only in order that we might notify the Members, since there is to be a yea-and-nay vote.

Mr. EASTLAND. I do not know what Senators will speak. The Senator from Illinois may be able to make a better estimate in that regard than I could.

Mr. DIRKSEN. I was only attempting to obtain an estimate.

Mr. EASTLAND. I do not know what Senators will speak, or for how long they will speak.

Mr. DIRKSEN. Of course; I appreciate that.

Mr. EASTLAND. Mr. President, I shall not detain the Senate at great length on this point of order.

Under the Constitution, the Supreme Court of the United States, since the beginning of our country, has held that States must come into the Union on an equal footing. Under our system of government it is fundamental that ours is a Union of equal and sovereign States, a Union of States which are equal in every respect.

Section 10 of the pending bill authorizes the President, without a declaration of marshal law, but at his discretion, to withdraw over half the Territory of Alaska, to discharge State employees and State officers, and to appoint Federal officers in their places; and it deprives the proposed State of Alaska of the power to have a uniform system of taxation.

The hearings show that if the proposed State of Alaska desired to enact a sales tax law, it would not apply in more than half of its area.

The bill gives the President the power to move from the area 24,000 people who presently inhabit it and 250,000 or 1 million people who might live there in the future. That would be done on the ground of national defense.

Mr. President, I submit that under the unanimous decisions of the United States Supreme Court, that provision is void. The President certainly would not have the power to declare the coast of Washington or the coast of California or the coast of Oregon a defense area, move the inhabitants from the area, substitute Federal law for State authority there, and suspend statehood. So the question answers itself.

If such power were vested as a condition for the admission of Alaska to the Union, Alaska would not be on an equal footing with the other States, because no such power exists as to any of the present States.

Furthermore, Mr. President, a person who violated the Alaskan State law would be tried in the United States courts. Of course that is an impossibility.

Mr. President, one of the leading cases on this question, as I stated the other day, is Coyle against Smith, secretary of state of the State of Oklahoma. The facts in that case apply in this instance. A condition was placed upon the admission of Oklahoma to the Union. That condition was that the State capital would have to be located at Guthrie, and could not be moved from Guthrie before 1913; and the legislature agreed, as a condition for the admission of Oklahoma into the Union, that no money would be appropriated to move the State capital. However, it was moved to Oklahoma City, and a suit was filed.

In that case the Supreme Court said:

> The definition of a "State" is found in the powers possessed by the original States which adopted the Constitution, a definition emphasized by the terms employed in all subsequent acts of Congress admitting new States into the Union. The first two States admitted into the Union were the States of Vermont and Kentucky, one as of March 4, 1791, and the other as of June 1, 1792. No terms or conditions were exacted from either. Each act declares that the State is admitted "as a new and entire member of the United States of America."

Mr. President, we hear much to the effect that the decisions of the Supreme Court are the law of the land. I have been reading from the decision of the Supreme Court, and I continue to read from it:

> Emphatic and significant as is the phrase admitted as "an entire member," even stronger was the declaration upon the admission in 1796 of Tennessee, as the third new State, it being declared to be "one of the United States of America," "on an equal footing with the original States in all respects whatsoever," phraseology which has ever since been substantially followed in admission acts, concluding with the Oklahoma Act, which declares that Oklahoma shall be admitted "on an equal footing with the original States."

Mr. President, the same statement appears in the pending Alaskan statehood bill.

I read further from the decision in the case of Coyle against Oklahoma.

> The power is to admit "new States into this Union." "This Union" was and is a Union of States, equal in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new States, might come to be a Union of States unequal in power, as including States whose powers were restricted only by the Constitution, with others whose powers had been further restricted by an act of Congress accepted as a condition of admission. Thus it would result, first, that the powers of Congress would not be defined by the Constitution alone, but in respect to new States, enlarged or restricted by the conditions imposed upon new States by its own legislation admitting them into the Union; and, second, that such new States might not exercise all of the powers which had not been delegated by the Constitution, but only such as had not been further bargained away as conditions of admission.

Mr. President, that is what the Supreme Court of the United States said.

Then the Court said:

> When a new State is admitted into the Union, it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States, and * * * such powers may not be constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of Congressional legislation after admission.

Mr. President, if we believe in the law of the land, there it is; and throughout the history of this country there has not been a dissenting opinion of the Court.

A State must come into the Union on an equal footing with other States. It must have all the powers of sovereignty every other State possesses. That sovereignty cannot be diminished and cannot be taken away through stipulations by Congress in connection with admission.

Mr. BUTLER. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Does the Senator from Mississippi yield to the Senator from Maryland?

Mr. EASTLAND. I yield.

Mr. BUTLER. Does the power to withdraw extend to 270,000 square miles of Alaska?

Mr. EASTLAND. It extends to 279,000 square miles.

Mr. BUTLER. That is approximately one-half of the land area of the Territory of Alaska; is it not?

Mr. EASTLAND. That is correct.

Mr. BUTLER. So that if this bill, as passed by the House, is enacted, the President of the United States, in his sole discretion, tomorrow, next year, 10 years from now, 50 years from now, will be able to withdraw any part of that 279,000 square miles and make it a federalized Territory, over which the Government of the United States will have complete sovereignty. Is that correct?

Mr. EASTLAND. That is correct.

Mr. BUTLER. And in which area the laws of the proposed State of Alaska will not be enforced by State courts, but will be enforced by Federal court; is that correct?

Mr. EASTLAND. That is correct.

Mr. BUTLER. And the persons who inhabit that area will be expelled; is that correct?

Mr. EASTLAND. That is correct.

Mr. BUTLER. They will have to make their homes elsewhere. So a newly found citizen of Alaska will have no place to lay his head if he happens to settle in that particular area, and if the President, for reasons of defense, or for other reasons, sees fit to move him out. Is that correct?

Mr. EASTLAND. That is correct. In the future there may be 1 million persons residing in that area who will be subject to this condition. The Senator from Maryland is an able lawyer. I should like to ask him whether there is such a thing in the law as the power to withdraw statehood.

Mr. BUTLER. If there is such a thing, there should not be.

Mr. EASTLAND. Is it not a violation of the Constitution?

Mr. BUTLER. Of course it is.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I have been pondering this question in my mind: Assume the bill passes and Alaska becomes a State, and assume section 10 comes before the Supreme Court, and the Supreme Court declares it to be unconstitutional. What would be the effect?

Mr. EASTLAND. Of course, the section would be void. The President would not have the power the bill proposes to confer upon him. The section is placed in the bill on the ground of national defense. As I understand, the bill would be opposed if that provision were not in it. Where would we stand? It is said that section is necessary for the protection of the Nation. Yet if it should be declared void, how would the protection of the country be effectuated?

Mr. SALTONSTALL. The only thing that could happen would be that the Government would have to do what it does now in the State of Massachusetts or in the State of Mississippi or any other State. It would have to purchase the land.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. SALTONSTALL. Will the Senator from Mississippi answer my question?

Mr. EASTLAND. Is the Senator from Massachusetts suggesting that the land could be condemned?

Mr. SALTONSTALL. Or purchased.

Mr. BUTLER. Mr. President, will the Senator from Mississippi yield so I may make a suggestion in answer to the question of the Senator from Massachusetts?

Mr. EASTLAND. I yield.

Mr. BUTLER. In other cases, the territory has been reserved by the United States, such as was the case when Arizona came into the Union, and such as took place in Wyoming, when Yellowstone National Park was reserved prior to the time the Territory was admitted as a State. There is no reason why a similar provision should not be made in this case. But to say to the citizens of Alaska, "Do you want your Territory to become a State? If you do here is the price"—is wrong.

Mr. EASTLAND. It is a club over the head of the people of Alaska—an unconstitutional club.

Mr. BUTLER. At the very least, it is very strong form of coercion, which should not be practiced by the Government of the United States on its citizens.

Mr. SALTONSTALL. Mr. President, will the Senator yield for one more question?

Mr. EASTLAND. I yield.

Mr. SALTONSTALL. I have not studied the subject as thoroughly as have the Senators from Mississippi and Maryland. As I understand, 28 percent of the Territory would be turned over to Alaska by the Federal Government to the State of Alaska in connection with its becoming a State. Has that been done in the past, or has what the Senator from Maryland said been done—that the Territory deeded the land to the Federal Government, and the Federal Government reserved it?

Mr. EASTLAND. In the Yellowstone Park case, in 1872, 18 years before Wyoming was admitted to the Union, the United States reserved that area. The Constitution, as interpreted by the Supreme Court, provides as follows:

> Full power is given to Congress to make all needful rules and regulations respecting the Territory or other property of the United States. This authorizes the passage of all laws necessary to secure the rights of the United States to the public lands, to their sale, and to protect them from taxation.

The United States has power over the public lands and other property it owns within a State, but the United States and the Congress have no power to put any condition on the admittance of a State into the Union. There cannot be any dispute about that point. Of course, every Senator is a judge of what his duty is, but we are obligated, under our oath of office, to pass on the question whether we think certain acts are constitutional or not.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. COOPER. The Senator from Mississippi is raising a constitutional point. At times when a legal or constitutional point is raised I know the general impression is that it is merely a question for the lawyers and may not have any material bearing on the measure being considered. In this case, however, the point does have bearing on the issue of the defense of Alaska and therefore the continental United States.

I have read the record of the hearings, and I hope very much the junior Senator from Idaho [Mr. CHURCH] and the junior Senator from Washington [Mr. JACKSON], who have charge of the bill, will address themselves to this point. What I am about to say is not quite in the nature of a question, but it provides a background for the question I desire to ask.

In his testimony before the committee General Twining said:

> I am pleased officially as well as personally to testify in favor of statehood for Alaska.

As reported on page 104 of the hearings he then stated:

> The Department of Defense believes the limitations in this bill which are imposed in section 10 are necessary for the defense of the United States.

From the statements, it follows, it seems to me, that his support of the admission of Alaska to statehood is based upon his belief that section 10 will protect the security of Alaska and the United States.

I am sympathetic toward Alaskan statehood, but I am more concerned about the defense of the United States. General Twining, speaking for the Department of Defense, seems to predicate support of statehood upon the condition that the withdrawal amendments are required to assure the security of Alaska and the United States. So the question of the validity of section 10 becomes important.

If section 10 cannot be maintained, it would appear to me that the reasons for General Twining's support of the bill would be withdrawn.

Section 10 would enable the President, after the admission of Alaska into the Union as a State, to withdraw a certain area from Alaska. State jurisdiction would be largely withdrawn, and Federal jurisdiction would become effective. The language of the bill would not only direct Federal courts to supersede State courts but in those circumstances in which the President could exercise powers as Commander in Chief for the defense of the country military courts could also supersede local courts. Further, under the doctrine of military necessity it would seem to give the President the authority to withdraw the protection of the courts entirely from the people, even exclude them from the area by taking jurisdiction wholly in the hands of a military commander.

I hope these questions will be answered in the debate, and particularly as they relate to defense. I have not heard them answered by those who have spoken in favor of the bill.

I should like to ask the Senator from Mississippi a question. Does he know of any case in which the President of the United States has ever been able to exercise such a power, to supersede State

jurisdiction, except in the case of a declaration of martial law, which depends upon the consent of the governor or the legislature of a State, or in the case of a cession of territory by the legislature of a State, or in the case of military necessity such as was exercised on the west coast during World War II?

Mr. EASTLAND. The Senator is correct. The case about which the Senator speaks, in World War II, involved the arrest of people in a battle area. That was a case of a war zone.

Mr. COOPER. One case was on the Pacific coast, where the Japanese were excluded from the Pacific area; and the other case, on the Atlantic coast, which involved trial by a military court—rather than a Federal court—of Germans who were captured on the coast.

The holdings of the Supreme Court in those cases was that the authority to withdraw those areas from the jurisdiction of the law—rested on the doctrine of military necessity, and even then there must be a situation of eminent danger.

Mr. EASTLAND. Of course, the Senator realizes nothing like that is involved in the Alaska case.

Mr. COOPER. That is my belief. I do not believe the President can withdraw areas, except as provided in the Constitution.

Mr. EASTLAND. Yes; but the language is not based upon an imminent danger.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. COOPER. I should like to make a further comment. Everyone who has been a lawyer always wants to give a judgment, on constitutional questions, and not always correct, nevertheless, I make my venture—I do not believe section 10 will hold up. Congress cannot pass an act which will contravene the Constitution. Amendment 5, in the Bill of Rights, is a prohibition against the Congress abridging the rights of individuals within them.

I come back to my original point. I am interested in defense of this country. If section 10 should be stricken, either on a point of order or by later being declared unconstitutional by the Supreme Court—and I believe it would be—and since the Department of Defense, through General Twining has based his argument in support of the admission of Alaska upon section 10, which I doubt will be upheld, what would be the position of the Department of Defense on defense if section 10 is eliminated?

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. COOPER. Much as I like Alaska, and great as my sympathy for its admission, yet I consider the defense of the United States and the defense of Alaska, when we are on the razor's edge of security a most important question.

Mr. STENNIS. Mr. President, will the Senator from Mississippi yield to me briefly?

Mr. EASTLAND. I yield to my colleague from Mississippi.

Mr. STENNIS. I invite the attention of the Senator from Massachusetts and the Senator from Kentucky to the fact that the points which they raised are directly covered, I think, by a comment made in February 1955, by the then Secretary of Defense, Mr. Wilson, who wrote a letter to one of the House committees. Reading from the letter, I note that Secretary Wilson stated at that time he believed "it would be in the interest of the national security that Alaska remain a Federal Territory for the present."

Among other comments in this sentence:

> The great size of the Territory, its sparse population, and limited communications, as well as its strategic location, create very special defense problems.

That was the statement made in February 1955. Section 10 of the bill is an attempt to meet that situation, and is directly based on the military problem. If section 10 is stricken from the bill, the Government will be left helpless.

To be brief, on page 104 of the hearings, Senators will note that General Twining said he favors Alaskan statehood with the area limitations and safeguards, and he believes that they are what the President had in mind. That very clearly points out the military problem. There was an attempt to meet the military problem by section 10. If section 10 is declared invalid, we shall face the problem again.

Mr. EASTLAND. Does the Senator think section 10 would be declared invalid?

Mr. STENNIS. I do not think there can be any doubt about that. The Senator from Kentucky is entirely correct. The section could not stand.

Mr. SALTONSTALL. Mr. President, will the Senator yield so that I may ask a question of the Senator's colleague on that point?

Mr. EASTLAND. I yield.

Mr. SALTONSTALL. I should like to ask the junior Senator from Mississippi the same question I asked the senior Senator from Mississippi. If we assume the bill is passed and assume Alaska becomes a State, with section 10 in the bill, and if we then assume that the Supreme Court of the United States declares section 10 to be unconstitutional, how could the President proceed to take the land? Could it be done under the power of eminent domain, with the Government paying for the land? How would the President take the action, in the interest of national defense?

Mr. STENNIS. The President would have no authority to declare martial law, or anything like that, except under the conditions mentioned by the Senator from Kentucky. It would take the consent of the Governor or the legislature to enable such action to be taken.

With reference to the problem of eminent domain, even if that power were invoked it would be necessary to condemn the whole area. There would be no other way to meet the situation. But this is a question of jurisdiction and sovereignty. If section 10 should remain in the bill, that area still would be excluded from statehood. That is the testimony of the proponents' witnesses, not mine.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. BUTLER. I should like to invite the attention of the Senate to the language of the first paragraph of section 10, of the bill on page 19, particularly the language at line 10, which says in part:

> or withdrawals may thereafter be terminated in whole or in part by the President.

In other words, the situation referred to by the Senator from Kentucky is one in which the national defense would immediately require the clearing of the area. There would be no permanent taking of the land at all. The land would be returned as soon as the war was over, or as soon as the emergency was over.

Under the language of the bill we are considering, the President of the United States could withdraw the property and keep it in perpetuity. The only language bearing on the question is that he "may thereafter" terminate the withdrawal. The President does not have to terminate it.

I know of no law which enables the President of the United States to go into a State and take land, for any purpose, except he pay for it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Mississippi a few questions.

As I construe section 10 in conjunction with the other provisions of the bill, it would provide, in effect, that Congress would grant statehood to Alaska, and in the same breath would give the President of the United States the uncontrolled power to revoke that statehood in at least 30 percent of the Territory of Alaska.

Mr. EASTLAND. Fifty percent.

Mr. ERVIN. Fifty percent of the Territory of Alaska?

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. Section 10 provides, does it not, that the only judge in the universe of the question as to whether or not to exercise the power to withdraw statehood from 50 percent of the Territory, or any part of that 50 percent, is the President of the United States?

Mr. EASTLAND. The Senator is correct. But is there any power anywhere to withdraw statehood? Does such a power exist?

Mr. ERVIN. I agree with the Senator from Mississippi that it does not.

The bill provides that when the President withdraws any portion of this area, the laws which have been enacted by the Legislature of Alaska shall cease to operate in that area to the extent that they are inconsistent with the laws of the United States.

Mr. EASTLAND. The Senator is correct; and the legislature could not enact laws in the future which would conflict with the laws of the United States.

Mr. ERVIN. Under this section the President, in his uncontrolled and unreviewable authority, could withdraw portions of the area, and he could later withdraw certain portions from his

withdrawal, and restore them to the State of Alaska.

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. So there would be a situation in which such areas would be subject to the laws enacted by the Legislature of Alaska while they were not withdrawn, and when they were withdrawn the laws of Alaska, to the extent of their inconsistency with the laws of the United States, would cease to apply.

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. Then the President could turn around and restore withdrawn areas to the State of Alaska. So we would have the laws in a territory of approximately 280,000 square miles in such a situation that they could be changed from day to day by the exercise of the power of the President.

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. Does not section 10 provide that whenever the President withdraws this area, or any part of this area, from the State of Alaska, the United States acquires jurisdiction over the legislative, executive, and judicial powers theretofore exercised by the State of Alaska in the area?

Mr. EASTLAND. The Senator is correct. The State officials would be discharged, and the President would appoint Federal officials in the area.

Mr. ERVIN. I ask the Senator if section 10 does not also provide that regulations governing the manner in which powers shall be exercised in the withdrawn area shall be written by the President's representatives?

Mr. EASTLAND. That is correct.

Mr. ERVIN. Does it not further provide that the President's representatives may be any persons or any agencies designated by the President?

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. I ask the Senator if it is not a fact that, in effect, section 10 undertakes to provide that the laws and regulations governing the withdrawn area may be written by any person or any agency, either public or private, that the President, in his uncontrolled and unreviewable authority, may designate.

Mr. EASTLAND. The Senator is exactly correct.

Mr. ERVIN. I invite the Senator's attention to the provision on page 23, subparagraph (6). Does it not provide that all—except for a few functions relating to the collection of certain taxes, precinct elections, and the like—

> functions vested in the Government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this act or other provisions of law, shall be performed within the withdrawals by such persons or agencies, and in such manner as the President shall from time to time, by Executive order, direct or authorize.

Mr. EASTLAND. The Senator is correct.

Mr. ERVIN. Since this section excepts only the judicial power, can it not be interpreted to mean that the legislative powers and the executive powers are to be exercised in the withdrawn territory by such persons, aliens or citizens, or such agencies, public or private, as the President, in his uncontrolled and unreviewable discretion, may name?

Mr. EASTLAND. The Senator is exactly correct.

Mr. ERVIN. In other words, we have, in effect, a proposed provision of law which says that the legislative powers of Alaska, so far as the withdrawn areas are concerned, may be exercised by private persons or private agencies designated by the President of the United States.

Mr. EASTLAND. That is correct; and the only power the State officers would have would be to go into this area to serve process.

Mr. ERVIN. Under such regulations as the President's representatives may establish?

Mr. EASTLAND. That is correct.

Mr. ERVIN. Which means that if we wish to find out what the regulations in the withdrawn areas are, we must run down a third assistant administrator of some kind, and look in his hip pocket for them.

Mr. EASTLAND. The Senator is exactly correct.

Mr. ERVIN. The section to which I have just referred not only gives the President the power to withdraw statehood from an area to which Congress has given statehood, but it also provides that these private or public persons, or private or public agencies designated by the President to exercise legislative and executive power within the withdrawn areas, are to do so in such manner as the President shall, from time to time, by Executive order, direct or authorize.

I ask the Senator if that does not, in effect, undertake to confer upon the President of the United States the power to enact legislation to govern these areas.

Mr. EASTLAND. Of course it does—as Commander in Chief.

Mr. ERVIN. I think the Senator from Mississippi has made a real contribution in pointing out the defects of section 10.

Let me make this observation on my own part. I believe that a person would search the legislative annals of the United States in vain for any parallel to the constitutional and legal monstrosity which constitutes section 10 of the bill. I cannot reconcile my oath to support the Constitution of the United States with a vote for a bill which contains such a constitutional and legal monstrosity as this, under which the President of the United States could rob the people of statehood which had been conferred upon them by Congress, and could appoint private citizens to exercise governmental powers, and, through Executive orders, exercise for himself the power to legislate.

I thank the Senator from Mississippi.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. LAUSCHE. I ask the Senator from Mississippi whether the proponents of Alaskan statehood—those who came from Alaska initially—included in their proposal the provision granting the President of the United States the right to withdraw parts of the area from statehood?

Mr. EASTLAND. No. If the Senator will permit me, I shall read from former Governor Gruening's testimony on that point.

Mr. LAUSCHE. I wish the Senator would do so.

Mr. EASTLAND. I quote from the hearings:

> Senator CARROLL. Mr. Chairman, I would like to ask the Governor just a few questions.
>
> About 10 years ago, Governor, this bill was before the House. Are the contents about the same as that bill?
>
> Mr. GRUENING. No; it is not the same. The bill that was before the House, one of several bills, was a less generous bill and did not make the provisions for land that have now been incorporated in the bill both before the Senate and before the House.

Mr. LAUSCHE. That has reference to the giving of 400,000 acres of the national forests, and so forth.

Mr. EASTLAND. Yes. I read further:

> Senator CARROLL. Is this request by the Secretary of the Interior setting aside land; is that precedence for this in other States who have been seeking statehood?
>
> Mr. GRUENING. No, Senator Carroll; there is not.
>
> Frankly, we do not see any particular reason for it since the Federal Government, the President, could, for military reasons, withdraw any part of Alaska, which is largely public domain, for defense purposes.
>
> But if that is what the administration requests, and if that is a condition for the granting of statehood, we see no objection to it.

Mr. LAUSCHE. Then it is my understanding that the Secretary of the Interior and the Secretary of Defense insist on the provision in the bill giving the President of the United States the right to terminate in part the statehood which we shall have granted. Is that correct?

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. The right to terminate statehood would involve practically 50 percent of the new State's area. Is that correct?

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. May I ask what will be the legal situation with respect to the 25,000 inhabitants and of the 276,000 acres——

Mr. EASTLAND. Two hundred and seventy-six thousand square miles.

Mr. LAUSCHE. Two hundred and seventy-six thousand square miles. What will be their legal situation in the event the President exercises his power of withdrawal? I am speaking with regard to constitutional rights, as distinguished from rights granted by the laws of Alaska, which the Federal courts would enforce.

Mr. EASTLAND. The people would be put off the land.

Mr. LAUSCHE. Has there been any discussion of that point between the proponents and opponents of the bill? The Senator from Mississippi states that the Government of the United States will have the power to remove those people from the withdrawn areas.

Mr. EASTLAND. That was admitted in the hearings.

Mr. LAUSCHE. Under what conditions will the President have the power to remove them?

Mr. EASTLAND. When the President withdraws the land, whenever he desires.

Mr. LAUSCHE. What about the constitutional right of reimbursement for damages sustained, and so forth?

Mr. EASTLAND. I believe that would be a matter for the Federal courts and Congress.

Mr. LAUSCHE. But the President, through his duly designated agents, would have the power to remove them. Is that correct?

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. That would not be in pursuance of a previous declaration of martial law.

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. It would be wholly in the absence of a declaration of martial law and wholly in the absence of a declaration of a defense necessity. Is it the interpretation of the Senator from Mississippi that the inhabitants could be removed from the land under the terms of the bill?

Mr. EASTLAND. The President could remove them at any time he desired. If there were a million people living in that area, the same conditions would apply. I judge that the population will increase, from the claims which have been made.

Mr. LAUSCHE. What is the Senator's opinion as to what the attitude of the Department of Defense and the Department of the Interior would have been if that provision had not been included in the bill?

Mr. EASTLAND. I believe they would have been opposed to statehood. The President made a statement several years ago—I believe it was 2 years ago, in 1956—when he advocated making a State of the southeastern part of Alaska, with the remainder of the area remaining a Territory. My information is—this is only my information—they would have opposed statehood without the withdrawal provision.

Mr. LAUSCHE. In effect, the right given to the President means that if and when the President determines to do so, he can convert 276,000 square miles of a State into a Territory. Is that correct?

Mr. EASTLAND. That is correct. I should like to ask the Senator from Ohio this question. The Senator, of course, knows that a State can come into the Union only on an equal footing. Does he believe the President has the power to declare the lake coast of Ohio a defense area and move the people out of that area and supplant State authority by the appointment of Federal authorities?

Mr. LAUSCHE. I have listened with interest to the questions asked by the Senator from Mississippi. I am sure that he knows what the powers of the State are and what the powers of a governor are. The Federal Government, except in the case of a declaration of martial law, has no authority in a State to take any land belonging to the State without the consent of the State. Indeed, the President does not have the power to reduce our 43,000 square miles to 21,500 square miles and subsequently, at his discretion, to declare that the withdrawn acreage shall be returned to the sovereign power of the State.

Mr. EASTLAND. The Senator is correct. If the President does not have that power in the State of Ohio, how can he have it in the State of Alaska?

Mr. LAUSCHE. I have not determined in my own mind how the constitutional question should be answered. I heard what the Senator from Kentucky said about it. I can say that it raises a serious question in my mind.

Mr. EASTLAND. Mr. President, for the reasons I have stated, I believe section 10 is void and violates the Constitution of the United States. I certainly hope the Senate will sustain my point of order.

Mr. CHURCH. Mr. President, I have listened with great interest to the colloquy between the distinguished Senators on the floor for the past 30 minutes with reference to the section in the bill which permits the President of the United States to withdraw lands for military purposes in the westernmost and northernmost portions of Alaska. The constitutionality of that provision has been questioned. Therefore, I believe we ought to understand clearly what it is that we are talking about. This land is the remote land of Alaska. It is the northernmost and westernmost land of Alaska.

At the present time, 99 percent of all the land in Alaska is owned by the Federal Government, and even a higher percentage of the land here in question is owned by the Federal Government. Therefore, it would not be a distortion to say that almost all that land is owned by the Federal Government. Under the provisions of the pending bill, Alaska, if it becomes a State, will be permitted to select certain lands—102 million acres of land—from the land now held and owned by the Federal Government.

The likelihood is that when the State of Alaska makes its selection, it will be made from the land within the boundaries of the State which is not affected by the military reservation provision, because the military reservation provision pertains to the tundra land, the land on the exterior of Alaska, which has the least value and is of the least importance.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I will yield in a moment, when I have completed my thought.

Mr. EASTLAND. But I wish to get one fact clear. As I understand, the Federal Government owns 99 percent of the land in question. Is that correct?

Mr. CHURCH. Of the land in question, the Federal Government owns 99.9 percent.

Mr. EASTLAND. I understood from the hearings—and I wanted the fact—that 99 percent of the land involved in the withdrawal area is owned by the Federal Government. Is that correct or incorrect?

Mr. JACKSON. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. JACKSON. The figures available, as they pertain to all of Alaska, show that 99.9 percent of the land is owned by the Federal Government. One-tenth of 1 percent is owned either by the Territory of Alaska or by municipalities or by private interests. I think the Senator from Mississippi would be correct in saying that the Federal Government owns at least 99.9 percent of the withdrawable area.

Mr. EASTLAND. The Senator from Washington and the Senator from Idaho stated in the hearings that the amount of land owned by the Federal Government was 99 percent. I wanted to get the fact; that is all.

Mr. CHURCH. Over the entire Territory, it would be 99 percent.

Mr. JACKSON. In all of the Territory, the amount of land owned by the Federal Government is 99 percent. It is not less than 99 percent.

Mr. EASTLAND. It is at least 99 percent.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SALTONSTALL. Assume Alaska becomes a State. Will the title to the land still remain in the Federal Government, so that the only land which will become the State of Alaska will be what is taken under the so-called 28-percent provision?

Mr. CHURCH. The Senator is absolutely correct. The withdrawal provision does not affect the underlying title to the land involved.

Mr. SALTONSTALL. Are there any precedents for statehood being enacted by Congress where the land was given to the State as a part of the condition of becoming a State?

Mr. CHURCH. Yes; with respect to the admission of a great many States, indeed, all the Western States, so far as I know, special provisions were typically written into the enabling act, whereby the new State is given the opportunity to select lands belonging to the Federal Government in order that the State might have a proper economic base upon which to tax as a State.

Mr. SALTONSTALL. Then, the title is in the State?

Mr. CHURCH. The title is in the State.

Mr. EASTLAND. That is not the question in this instance.

Mr. CHURCH. The point raised by the Senator from Kentucky [Mr. COOPER] relates to the constitutionality of this provision; and he has expressed doubts about its constitutionality. The constitutionality of the provision is open to arguments pro and con by reasonable men. The bill contains a referendum provision under which the people of Alaska will be asked to vote upon the propositions contained in the enabling act, to vote them up or vote them down. If they vote them up, I submit that in doing so they will have acquiesced in all the provisions, including the reservation provision in the enabling act.

However, even if the Senator is correct, and even if the withdrawal provision is defective from a constitutional point of view, any person who is adversely affected or whose property is adversely affected by the withdrawal, should the

withdrawal ever take place, will have an opportunity to go to the courts; and if any part of the act is repugnant to the Constitution, the rights of that individual citizen will be upheld.

Mr. COOPER and Mr. EASTLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. CHURCH. I am happy to yield, first, to the Senator from Kentucky.

Mr. COOPER. I must say to the Senator from Idaho, with all deference, that he has misconstrued my argument.

Mr. CHURCH. I was trying to get to this question.

Mr. COOPER. I began my prior statement by saying that I was not interested particularly in the constitutional argument except as it bore upon the problem of defense. I think the Senator will agree with me—and certainly my sympathies concerning the admission of Alaska to statehood are with the Senator from Idaho—that the question of the defense of the United States at this time is much more important than the admission of Alaska to statehood. It is more important to the United States; it is more important to Alaska.

My argument upon section 10 is this: If the Government of the United States and the Secretary of Defense thought it was necessary to include section 10 in the bill to make certain that the defenses of the United States and Alaska are secure—and it seems to me from reading the testimony that the reason for including section 10 in the bill was to better assure the safety of the United States and of Alaska—if that section is not valid, and if it is knocked down, then my question is: What would be the consequence on the defenses of the Nation? The matter is hardly discussed in the hearing on the debate. It is too important to be glossed over.

Mr. CHURCH. I shall address myself to the question which the Senator from Kentucky poses. I had hoped to reach that question, and my other remarks were in the way of a preliminary explanation of the provision itself.

I was present during the hearings when General Twining came before the committee; I heard all his testimony. To speak frankly, there was not a member of the committee, including myself, who did not have doubts as to the need for including section 10 in the bill. We questioned General Twining at length about the need for section 10. I think that if the Senator from Kentucky will review the questions which were asked and answers which were made, and will review all of General Twining's testimony in connection therewith, he will find that it was only with great difficulty that General Twining himself could make a case for section 10, so far as the military need was concerned.

I recall at one point asking General Twining if ordinary statehood had ever been any kind of obstacle or handicap to the defense of the United States or any part of it, or if it had ever constituted any impediment to the military. General Twining in effect answered, "No."

So I suggest to the Senator from Kentucky that inasmuch as the President has the constitutional power in any case to impose martial law, should a dire emergency arise threatening the security of the country; inasmuch as a fair reading of the General's testimony before the committee will not, I think, show any great need for the provisions in section 10, so far as the security of our country is concerned; and inasmuch as the rights of our citizens are fully protected in any event by recourse to the Federal courts; therefore, the Senate ought not to sustain this point of order, for to do so would undermine the opportunity which has finally come to us to admit Alaska into the Federal Union as the 49th State. For the want of a nail, the empire would be lost.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Ratchford, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. JORDAN in the chair) laid before the Senate a message from the President of the United States submitting the nomination of William H. G. FitzGerald, of Connecticut, to be Deputy Director for Management of the International Cooperation Administration, in the Department of State, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 385) to authorize the training of Federal employees at public or private facilities, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 82. Concurrent resolution to print the proceedings in connection with the acceptance of the statue of Charles Marion Russell, late of Montana; and

S. Con. Res. 87. Concurrent resolution to print additional copies of the hearings entitled "Civil Rights—1957," for the use of the Committee on the Judiciary.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12181) to amend further the Mutual Security Act of 1954, as amended, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12695) to provide a 1-year extension of the existing corporate normal tax rate and of certain excise tax rates.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8543. An act to amend the Communications Act of 1934 to authorize, in certain cases, the issuance of licenses to noncitizens for radio stations on aircraft and for the operation thereof;

H. R. 9196. An act to authorize the construction of a nuclear-powered icebreaking vessel for operation by the United States Coast Guard, and for other purposes;

H. R. 10069. An act to amend the act of August 5, 1953, creating the Corregidor Bataan Memorial Commission;

H. R. 11123. An act providing for the extension of certain authorized functions of the Secretary of the Interior to areas other than the United States, its Territories and possessions;

H. R. 11133. An act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska, and for other purposes;

H. R. 11192. An act to provide for the conveyance of certain real property of the United States to the State of Maryland;

H. R. 12457. An act to further amend Public Law 85–162 and Public Law 84–141, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H. R. 12628. An act to amend title VI of the Public Health Service Act to extend for an additional 3-year period the Hospital Survey and Construction Act;

H. R. 12694. An act to authorize loans for the construction of hospitals and other facilities under title VI of the Public Health Service Act, and for other purposes;

H. R. 12739. An act to amend section 1105 (b) of title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act, 1936, as amended, to implement the pledge-of-faith clause;

H. R. 12776. An act to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways";

H. R. 12850. An act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes; and

H. J. Res. 640. Joint resolution making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1366. An act to amend the act entitled "An act to authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska," as amended;

S. 3100. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation;

S. 3500. An act to require the full and fair disclosure of certain information in connection with the distribution of new automobiles in commerce, and for other purposes; and

H. R. 12695. An act to provide a 1-year extension of the existing corporate normal-tax rate and of certain rates, and to provide for the repeal of the taxes on the transportation of property.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON THE CALENDAR

The following bills and joint resolution were severally read twice by their titles and referred or placed on the calendar, as indicated:

H. R. 8543. An act to amend the Communications Act of 1934 to authorize, in certain cases, the issuance of licenses to noncitizens for radio stations on aircraft and for the operation thereof;

H. R. 9196. An act to authorize the construction of a nuclear-powered icebreaking vessel for operation by the United States Coast Guard, and for other purposes;

H. R. 12739. An act to amend section 1105 (b) of title XI (Federal Ship Mortgage Insurance) of the Merchant Marine Act, 1936, as amended, to implement the pledge of faith clause; and

H. R. 12850. An act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 10069. An act to amend the act of August 5, 1953, creating the Corregidor Bataan Memorial Commission; to the Committee on Foreign Relations.

H. R. 11123. An act providing for the extension of certain authorized functions of the Secretary of the Interior to areas other than the United States, its Territories and possessions; and

H. R. 11192. An act to provide for the conveyance of certain real property of the United States to the State of Maryland; to the Committee on Interior and Insular Affairs.

H. R. 11133. An act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska, and for other purposes; to the Committee on Government Operations.

H. R. 12457. An act to further amend Public Law 85–162 and Public Law 84–141, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the Calendar.

H. R. 12628. An act to amend title VI of the Public Health Service Act to extend for an additional 3-year period the Hospital Survey and Construction Act; and

H. R. 12694. An act to authorize loans for the construction of hospitals and other facilities under title VI of the Public Health Service Act, and for other purposes; to the Committee on Labor and Public Welfare.

H. R. 12776. An act to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways"; to the Committee on Public Works.

H. J. Res. 640. Joint resolution making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes; to the Committee on Appropriations.

PROPOSED LIMITATION OF POWERS OF THE SUPREME COURT

Mr. BUTLER. Mr. President, there has come to my attention a thoughtful editorial which was published in the Indianapolis Star of June 15. The editorial deals with the Supreme Court and the Jenner-Butler bill, and with an article and editorial in this same field which was published in the magazine Life for June 16.

Because S. 2646 is pending on the Senate Calendar, and has evoked great interest among Members of the Senate, I ask unanimous consent that the Indianapolis Star editorial may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SPLINTER OF CHAOS

Life magazine, in its issue dated June 16, prints an incisive article and accompanying editorial about the United States Supreme Court. We heartily recommend reading the two pieces. At the same time we vehemently recommend, as the editors of Life undoubtedly would, that the reader form his own conclusions instead of accepting those of the magazine. We suggest this particularly because Life's conclusions do not appear to fit the facts and principles so capably displayed.

The magazine joins the growing ranks of Supreme Court critics. It finds "* * * chaos in the state of the law itself." It comments upon the philosophical chaos of American jurisprudence today. And except for some misunderstanding, it does a competent job of showing what is wrong with the Warren court. Yet editorially Life expresses the hope the Jenner-Butler bill will fail in Congress. We can only conclude that Life has not thoroughly examined the Jenner-Butler bill.

Life calls the measure the most sweeping attack on the powers of the Supreme Court since the Roosevelt court packing bill of 1937. The magazine's editors evidently have swallowed whole the outlandish declaration in a Senate Judiciary Committee minority report which said, "If the appellate jurisdiction of the Supreme Court is seriously eroded, then the Constitution would become only a museum piece."

The plain truth is that the bill is not a sweeping attack on the Court at all. For the most part it is an effort to reenact in different form legislation which Congress has enacted before, but with which the Supreme Court has found technical fault. The same thing has been done by almost every session of Congress in the history of this country. Only one clause of the bill tries to remove from the Supreme Court's jurisdiction only one very limited subject, the right to reverse the decisions of State bar examiners and State supreme courts in admitting attorneys to practice. This hardly qualifies as a sweeping attack.

Readers of the Life article and editorial will reach a more intelligent conclusion if they are prepared to notice where the magazine has unfortunately accepted erroneous pseudo-liberal dogma without sufficient analysis. The outstanding example is the title of the article. It is a partial quotation from article III of the Constitution, and because it is incomplete, its meaning is false. It says, "The judicial power of the United States shall be vested in one Supreme Court." What the Constitution really says is, "in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish." In other words, Congress has the right under the Constitution to determine what part of the judicial power shall rest in the Supreme Court, and what part in other courts.

Nowhere in the Life article or editorial is any mention made of article III, section 2 of the Constitution, which specifically lists cases in which the Supreme Court shall have original jurisdiction, then adds that in all other cases appellate jurisdiction shall be subject to "such exception and under such regulations as the Congress shall make." Without the knowledge that the Constitution gives Congress power over the Court's jurisdiction, Life's readers may be excused for reaching wrong conclusions.

Life's major error in reporting and analysis comes from ignoring the right of Congress to decide jurisdiction. "* * * the powers of the United States Supreme Court," says Life, "are so immense that it is almost impossible for the Court to exceed them." The statement just is not true. The Court has no power to go against a jurisdictional decision of Congress. It has no right, without exceeding its power, to go against the Constitution.

Given a knowledge of what Life has omitted, we believe the reader will find an imperative need demonstrated by another fully supported assertion Life makes: "The language of enacted law and the precedents of declared law come to have less and less weight, while the personal predilections of the individual Justices come to have more and more."

Since this is true, the Jenner-Butler bill, which is not an attack upon but a rebuke to the Justices, is the only present hope of influencing the Court back toward government by law. It should be passed.

DISTINGUISHED CITIZEN AWARD BY DELMARVA POULTRY INDUSTRY TO SENATOR JOHN J. WILLIAMS

Mr. BUTLER. Mr. President, our colleague, and my dear friend, the distinguished senior Senator from Delaware [Mr. WILLIAMS] has been given the Delmarva Poultry Industry's distinguished citizen award. I ask unanimous consent that the citation be printed at this point in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

DELMARVA POULTRY INDUSTRY'S DISTINGUISHED CITIZEN AWARD TO JOHN J. WILLIAMS—11TH ANNUAL DELMARVA CHICKEN FESTIVAL, DENTON, MD., JUNE 26, 27, AND 28, 1958

A pioneer in the poultry industry of the Delmarva Peninsula, when during the early twenties he opened the first of four feed stores, for his continued expression of confidence in the future of the area's poultry industry, now operating 12 farms and a hatchery for the production of high quality broiler chicks, in recognition of outstanding service to his fellow citizens as a United States Senator, crusading for the need of honesty among those holding positions of public trust and striving for economy in the operation of our Government, the Delmarva Poultry Industry, Inc., is proud to present Delmarva's distinguished citizen award to Senator JOHN J. WILLIAMS, successful businessman, poultryman, statesman, and highly respected citizen.

JOHN R. HARGREAVES,
President.

TEMPORARY APPROPRIATIONS FOR INCREASED PAY COSTS, 1958 AND 1959—REPORT OF A COMMITTEE

Mr. HAYDEN. Mr. President, from the Committee on Appropriations I report favorably, without amendment, the joint resolution (H. J. Res. 640) making temporary appropriations for fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes, and I submit a report (No. 1765) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 640) making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. Mr. President, the joint resolution is of the usual type, in order to make provision for continuing in operation the functions of Government for which annual appropriations for 1959 have not yet been enacted. The joint resolution will continue these functions until July 31, 1958. It covers the following appropriation accounts:

Legislative Branch Appropriation Act; Department of Defense Appropriation Act; Department of Labor, and Health, Education, and Welfare Appropriation Act; Independent Offices Appropriation Act; District of Columbia Appropriation Act; and the Public Works Appropriation Act. It also provides funds for the agencies which will be included in the Supplemental Act, 1959, and for mutual security.

Title II of the joint resolution provides for increased pay costs. Congress enacted Public Laws 85–422, 85–426, and 85–462, the military pay bill, the postal pay bill, and the general classified pay bill, increasing compensation of officers and employees, and, in some cases, making the increases retroactive to January 1958.

Title II provides authority for transfers between accounts, and also makes indefinite appropriations of such additional amounts as may be necessary to meet the provisions of these retroactive pay costs. The language in title II is identical with the language of 3 years ago, when a retroactive pay increase was granted by the Congress.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 640) was ordered to a third reading, read the third time, and passed.

TRAINING OF FEDERAL EMPLOYEES AT PUBLIC OR PRIVATE FACILITIES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 385) to authorize the training of Federal employees at public or private facilities, and for other purposes, which were to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This act may be cited as the "Government Employees Training Act".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress—

(1) that, in order to promote efficiency and economy in the operation of the Government and provide means for the development of maximum proficiency in the performance of official duties by employees thereof, to establish and mainain the highest standards of performance in the transaction of the public business, and to install and utilize effectively the best modern practices and techniques which have been developed, tested, and proved within or outside of the Government, it is necessary and desirable in the public interest that self-education, self-improvement, and self-training by such employees be supplemented and extended by Government-sponsored programs, provided for by this act, for the training of such employees in the performance of official duties and for the development of skills, knowledge, and abilities which will best qualify them for performance of official duties;

(2) that such programs shall be continuous in nature, shall be subject to supervision and control by the President and review by the Congress, and shall be so established as to be readily expansible in time of national emergency;

(3) that such programs shall be designed to lead to (A) improved public service, (B) dollar savings, (C) the building and retention of a permanent cadre of skilled and efficient Government employees, well abreast of scientific, professional, technical, and management developments both in and out of Government, (D) lower turnover of personnel, (E) reasonably uniform administration of training, consistent with the missions of the Government departments and agencies, and (F) fair and equitable treatment of Government employees with respect to training; and

(4) that the United States Civil Service Commission shall be responsible and have authority, subject to supervision and control by the President, for the effective promotion and coordination of such programs and of training operations thereunder.

DEFINITIONS

SEC. 3. For the purposes of this act—

(1) the term "Government" means the Government of the United States of America and the municipal government of the District of Columbia;

(2) the term "department", subject to the exceptions contained in section 4, means (A) each executive department, (B) each independent establishment or agency in the executive branch, (C) each Government-owned or controlled corporation subject to title I or title II of the Government Corporation Control Act, (D) the General Accounting Office, (E) the Library of Congress, (F) the Government Printing Office, and (G) the municipal government of the District of Columbia;

(3) the term "employee", subject to the exceptions contained in section 4, means any civilian officer or employee in or under a department, including officers of the Coast and Geodetic Survey in the Department of Commerce;

(4) the term "Commission" means the United States Civil Service Commission;

(5) the term "training" means the process of providing for and making available to an employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which are or will be directly related to the performance by such employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of such employee in the performance of official duties;

(6) the term "Government facility" means any property owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government; and

(7) the term "non-Government facility" means (A) the government of any State, Teritory, or possession of the United States, the government of the Commonwealth of Puerto Rico, and any interstate governmental organization, or any unit, subdivision, or instrumentality of any of the foregoing, (B) any foreign government or international organization, or instrumentality of either, which is designated by the President as eligible to provide training under this act, (C) any medical, scientific, technical, educational, research, or professional institution, foundation, agency, or organization, (D) any business, commercial, or industrial firm, corporation, partnership, proprietorship, or any other organization, and (E) any individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District of Columbia. For the purposes of furnishing training by, in, or through any of the foregoing, the term "non-Government facility" also shall include the services and property of any of the foregoing furnishing such training.

EXCLUSIONS

SEC. 4. (a) This act shall not apply to—

(1) the President or Vice President of the United States,

(2) the Foreign Service of the United States under the Department of State,

(3) any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests,

(4) the Tennessee Valley Authority,

(5) any individual appointed by the President by and with the advice and consent of the Senate or by the President alone, unless such individual is specifically designated by the President for training under this act, and

(6) any individual (except an officer of the Coast and Geodetic Survey in the Department of Commerce) who is a member of the uniformed services as defined in section 102 (a) of the Career Compensation Act of 1949, as amended, during any period in which he is receiving compensation under title II of such act.

(b) The President is authorized—

(1) to desginate at any time in the public interest any department or part thereof, or any employee or employees therein (either individually or by groups or classes), as excepted from this act or any provision of this act (other than this section, section 21, and section 22), and

(2) to designate at any time in the public interest any such department or part thereof, or any such employee or employees therein, so excepted, as again subject to this act or any such provision of this act.

Such authority of the President shall not include the authority to except the Commission from any provision of this act which vests in or imposes upon the Commission any function, duty, or responsibility with respect to any matter other than the establishment, operation, and maintenance by the Commission, in the same capacity as any other department, of programs of and plans of training for employees of the Commission.

DEPARTMENTAL REVIEWS OF TRAINING NEEDS

SEC. 5. Within 90 days after the date of enactment of this act and at least once every 3 years after the expiration of such 90-day period, the head of each department shall conduct and complete a review of the needs and requirements of such department for the training of employees under its jurisdiction. Upon request of a department, the Commission is authorized, in its discretion, to assist such department in connection with

such review of needs and requirements. Information obtained or developed in any such review shall be made available to the Commission at its request.

TRAINING REGULATIONS OF COMMISSION

SEC. 6. (a) The Commission after consideration of the needs and requirements of each department for training of its employees and after consultation with those departments principally concerned, shall prescribe regulations containing the principles, standards, and related requirements for the programs, and plans thereunder, for the training of employees of the departments under authority of this act (including requirements for appropriate coordination of and reasonable uniformity in such training programs and plans of the departments). Such regulations, when promulgated, shall provide for the maintenance of necessary information with respect to the general conduct of the training activities of each department, and such other information as may be necessary to enable the President and the Congress to discharge effectively their respective duties and responsibilities for supervision, control, and review of training programs authorized by this act. Such regulations also shall cover with respect to training by, in, and through Government facilities and non-Government facilities—

(1) requirements with respect to the determination and continuing review by each department of its needs and requirements in connection with such training;

(2) the scope and conduct of the programs and plans of each department for such training;

(3) the selection and assignment for such training of employees of each department;

(4) the utilization in each department of the services of employees who have undergone any such training;

(5) the evaluation of the results and effects of programs and plans for such training;

(6) the interchange among the departments of information concerning such training;

(7) the submission by the departments of reports on the results and effects of programs and plans of such training and economies resulting therefrom, including estimates of costs of training by, in, and through non-Government facilities;

(8) such requirements and limitations as may be necessary with respect to payments and reimbursements in accordance with section 10; and

(9) such other matters as the Commission deems appropriate or necessary to carry out the provisions of this act.

(b) In addition to matters set forth in subsection (a) of this section, the regulations of the Commission shall, with respect to the training of employees by, in, or through non-Government facilities—

(1) prescribe general policies governing the selection of a non-Government facility to provide such training;

(2) authorize training of employees by, in, or through a non-Government facility only after determination by the head of the department concerned that adequate training for such employees by, in, or through a Government facility is not reasonably available and that appropriate consideration has been given to the then existing or reasonably foreseeable availability and utilization of fully trained employees; and

(8) prohibit the training of an employee by, in, or through a non-Government facility for the purpose of filling a position by promotion if there is in the department concerned another employee of equal ability and suitability who is fully qualified to fill such position and is available at, or within a reasonable distance from, the place or places where the duties of such position are to be performed.

(c) From time to time and in accordance with this act, the Commission may revise, supplement, or abolish its regulations prescribed under this section and may prescribe additional regulations.

(d) Nothing contained in this section shall be construed to authorize the Commission to prescribe the types and methods of intradepartmental training or to regulate the details of intradepartmental training programs.

ESTABLISHMENT OF PROGRAMS OF TRAINING THROUGH GOVERNMENT AND NON-GOVERNMENT FACILITIES

SEC. 7. Within 270 days after the date of enactment of this act, the head of each department shall prepare, establish, and place in effect a program or programs, and a plan or plans thereunder, in conformity with this act, for the training of employees in or under such department by, in, and through Government facilities and non-Government facilities in order to increase economy and efficiency in the operations of the department and to raise the standard of performance by employees of their official duties to the maximum possible level of proficiency. Each such program, and plan or plans thereunder, shall conform, on and after the effective date of the regulations prescribed by the Commission under section 6 of this act, to the principles, standards, and related requirements contained in such regulations then current, shall be operated and maintained in accordance with the provisions of this act, and shall provide for adequate administrative control by appropriate authority. Two or more departments jointly may operate under any such training program. Each such program shall provide for the encouragement of self-training by employees by means of appropriate recognition of resultant increases in proficiency, skill, and capability.

GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH GOVERNMENT FACILITIES

SEC. 8. The program or programs of each department for the training of employees by, in, and through Government facilities under authority of this act—

(1) shall provide for training, insofar as practicable, by, in, and through those Government facilities which are under the jurisdiction or control of such department, and

(2) shall provide for the making by such department to the extent necessary and appropriate, of agreements with other departments, and with other agencies in any branch of the Government, on a reimbursable basis if so requested by such other departments and agencies, (A) for the utilization in such program or programs of those Government facilities under the jurisdiction or control of such other departments and agencies and (B) for extension to employees of such department of training programs of such other departments.

GENERAL PROVISIONS OF PROGRAMS OF TRAINING THROUGH NON-GOVERNMENT FACILITIES

SEC. 9. (a) The head of each department is authorized to enter into agreements or make other appropriate arrangements for the training of employees of such department by, in, or through non-Government facilities in accordance with this act, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5).

(b) The program or programs of each department for the training of employees by, in, and through non-Government facilities under authority of this act shall—

(1) provide for information to be made available to employees of such department with respect to the selection and assignment of such employees for training by, in, and through non-Government facilities and the limitations and restrictions applicable to such training in accordance with this act, and

(2) give appropriate consideration to the needs and requirements of such department in recruiting and retaining scientific, professional, technical, and administrative employees.

(c) Each department shall issue such regulations as the department deems necessary to implement the regulations of the commission issued under section 6 (a) (8) in order to protect the Government with respect to payment and reimbursement of training expenses.

EXPENSES OF TRAINING THROUGH GOVERNMENT FACILITIES AND NON-GOVERNMENT FACILITIES

SEC. 10. The head of each department in accordance with regulations issued by the commission under authority of section 6 (a) (8) is authorized, from funds appropriated or otherwise available to such department (1) to pay all or any part of the salary, pay, or compensation (excluding overtime, holiday, and night differential pay) of each employee of such department who is selected and assigned for training by, in, or through Government facilities or non-Government facilities under authority of this act, for each period of such training of such employee, and (2) to pay, or reimburse such employee for, all or any part of the necessary expenses of such training, without regard to section 3648 of the Revised Statutes (31 U. S. C. 529), including among such expenses the necessary costs of (A) travel and per diem in lieu of subsistence in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, or, in the case of commissioned officers of the Coast and Geodetic Survey in the Department of Commerce, section 303 of the Career Compensation Act of 1949, as amended, and the Joint Travel Regulations for the Uniformed Services; (B) transportation of immediate family, household goods and personal effects, packing, crating, temporary storage, drayage, and unpacking in accordance with the first section of the Administrative Expenses Act of 1946, as amended, and Executive Order No. 9805, as amended (except that in the case of commissioned officers of the Coast and Geodetic Survey in the Department of Commerce, such expenses shall be paid under section 303 of the Career Compensation Act of 1949, as amended, and the Joint Travel Regulations for the Uniformed Services), whenever the estimated costs of such transportation and related services are less than the estimated aggregate per diem payments for the period of training, (C) tuition and matriculation fees, (D) library and laboratory services, (E) purchase or rental of books, materials, and supplies, and (F) other services or facilities directly related to the training of such employee. Such expenses of training shall not be deemed to include membership fees except to the extent that such fees are a necessary cost directly related to the training itself or that payment thereof is a condition precedent to undergoing such training.

AGREEMENTS OF EMPLOYEES RECEIVING TRAINING THROUGH NON-GOVERNMENT FACILITIES TO CONTINUE IN GOVERNMENT SERVICE FOR CERTAIN PERIODS

SEC. 11. (a) Each employee who is selected for training by, in, or through a non-Government facility under authority of this act shall, prior to his actual assignment for such training, enter into a written agreement with the Government to the effect that (1) after the expiration of the period of his training, he will continue in the service of his department for a period at least equal to three times the length of the period of such training unless he is involuntarily separated from the service of his department, and (2) if he is voluntarily separated from the service of his department prior to the expiration of the period for which he has agreed to

continue in the service of his department after such period of training, he will pay to the Government the amount of the additional expenses incurred by the Government in connection with his training. No employee selected for such training shall be assigned thereto unless he has entered into such agreement.

(b) An employee who, by reason of his entrance into the service of another department or of any other agency in any branch of the Government, fails to continue, after his training, in the service of his department for the period specified in such agreement, shall not be required to pay to the Government the amount of the additional expenses incurred by the Government in connection with his training unless the head of the department which has authorized such training notifies the employee prior to the effective date of his entrance into the service of such other department or agency that such payment will be required under authority of this section.

(c) If any employee (other than an employee relieved of liability under subsection (b) of this section or under subsection (b) of section 4) fails to fulfill his agreement to pay to the Government the additional expenses incurred by the Government in connection with his training, a sum equal to the amount of such additional expenses of training shall be recoverable by the Government from such employee or his estate (1) by setoff of accrued salary, pay, compensation, amount of retirement credit, or other amount due such employee from the Government and (2) by such other method as may be provided by law for the recovery of amounts owing to the Government. The head of the department concerned may, in accordance with regulations of the Commission, waive in whole or in part any right of recovery under this subsection, if it is shown that such recovery would be against equity and good conscience or against the public interest.

LIMITATIONS ON TRAINING OF EMPLOYEES THROUGH NON-GOVERNMENT FACILITIES

SEC. 12. (a) The training of employees by, in, and through non-Government facilities under authority of this act shall be subject to the following provisions:

(1) The number of man-years of such training by, in, and through non-Government facilities for each department in any fiscal year shall not exceed 1 percent of the total number of man-years of civilian employment for such department in the same fiscal year as disclosed by the budget estimates for such department for such year.

(2) No employee having less than 1 year of current, continuous civilian service in the Government shall be eligible for such training unless the head of his department determines, in accordance with regulations of the Commission, that such training for such employee is in the public interest.

(3) In the first 10-year period of his continuous or noncontinuous civilian service in the Government following the date of his initial entry into the civilian service of the Government, and in each 10-year period of such service occurring thereafter, the time spent by an employee in such training shall not exceed 1 year.

(4) The Commission is authorized, in its discretion, to prescribe such other limitations, in accordance with the provisions and purposes of this act, with respect to the time which may be spent by an employee in such training, as the Commission deems appropriate.

(b) The Commission is authorized, in its discretion, to waive, with respect to any department or part thereof or any employee or employees therein, any or all of the restrictions covered by subsection (a) of this section, upon recommendation of the head of the department concerned, if the Commission determines that the application of any or all of such restrictions to any department or part thereof or employee or employees therein is contrary to the public interest. The Commission is further authorized, in its discretion, to reimpose in the public interest, with respect to any such department or part thereof, or any such employee or employees therein, any or all of the restrictions so waived.

PROHIBITION ON TRAINING THROUGH NON-GOVERNMENT FACILITIES FOR SOLE PURPOSE OF OBTAINING ACADEMIC DEGREES

SEC. 13. Nothing contained in this act shall be construed to authorize the selection and assignment of any employee for training by, in, or through any non-Government facility under authority of this act, or the payment or reimbursement by the Government of the costs of such training, either (1) for the purpose of providing an opportunity to such employee to obtain an academic degree in order to qualify for appointment to a particular position for which such academic degree is a basic requirement or (2) solely for the purpose of providing an opportunity to such employee to obtain one or more academic degrees.

PROHIBITION ON TRAINING THROUGH FACILITIES ADVOCATING OVERTHROW OF THE GOVERNMENT BY FORCE OR VIOLENCE

SEC. 14. No part of any appropriation of, or of any funds available for expenditure by, any department shall be available for payment for the training of any employee by, in, or through any non-Government facility teaching or advocating the overthrow of the Government of the United States by force or violence, or by or through any individual with respect to whom determination has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive orders of the President, there exists a reasonable doubt of his loyalty to the United States.

REVIEW BY COMMISSION OF PROGRAMS OF TRAINING THROUGH NON-GOVERNMENT FACILITIES

SEC. 15. The Commission shall review, at such times and to such extent as it deems necessary, the operations, activities, and related transactions of each department in connection with the program or programs, and the plan or plans thereunder, of such department for the training of its employees by, in, and through non-Government facilities under authority of this act in order to determine whether such operations, activities, and related transactions are in compliance with such programs and plans, with the provisions and purposes of this act, and with the principles, standards, and related requirements contained in the regulations of the Commission prescribed thereunder. Upon request of the Commission, each department shall cooperate with and assist the Commission in such review. If the Commission finds that noncompliance exists in any department, the Commission, after consultation with such departments, shall certify to the head of such department its recommendations for modification or change of actions and procedures of such department thereafter in connection with such training programs and plans. If after a reasonable time for placing such recommendaitons in effect the Commission finds that noncompliance continues to exist in such department, the Commission shall report such noncompliance to the President for such action as he deems appropriate.

COLLECTION OF TRAINING INFORMATION BY COMMISSION

SEC. 16. The Commission is authorized, to the extent it deems appropriate in the public interest, to collect information, from time to time, with respect to training programs, plans, and methods in and outside the Government. Upon appropriate request, the Commission may make such information available to any department and to the Congress.

ASSISTANCE BY COMMISSION WITH RESPECT TO TRAINING PROGRAMS

SEC. 17. Upon request of any department, the Commission, to the extent of its facilities and personnel available for such purpose, shall provide advice and assistance in the establishment, operation, and maintenance of the programs and plans of such department for training under authority of this act.

REPORTS

SEC. 18. (a) Each department annually shall prepare and submit to the Commission, at such times and in such form as the Commission shall prescribe, reports on the programs and plans of such department for the training of employees by, in, and through Government facilities and non-Government facilities under authority of this Act. Each such report shall contain—

(1) such information as the Commission deems appropriate with respect to the expenditures of such department in connection with such training.

(2) the name of each employee of such department (other than students participating in any cooperative educational program) who, during the period covered by the report, received training by, in, or through a non-Government facility for more than 120 days; the grade, title, and primary duties of the position held by such employee; the name of the non-Government facility from which such training was received; the nature, length, and cost to the Government of such training; and the relationship of such training to official Government duties,

(3) the name of each employee of such department who, during the period covered by the report, received a contribution or award in the manner provided by section 19 (a) of this act,

(4) a statement of the department with respect to the value of such training to the department,

(5) estimates of the extent to which economies and improved operations have resulted from such training, and

(6) such other information as the department or the Commission deems appropriate.

(b) The Commission shall include in its annual report a statement, in such form as shall be determined by the Commission with the approval of the President, with respect to the training of employees of the Government under authority of this act. Each such statement shall include—

(1) a summary of information with respect to the operation and results of the programs and plans of the departments,

(2) a summary of information received by the Commission from the departments in accordance with subsection (a) of this section, and

(3) such recommendations and other matters as the President or the Commission may deem appropriate or which may be required by the Congress.

(c) The Commission annually shall submit to the President for his approval and for transmittal to the Congress a report including the information received by the Commission from the departments under paragraphs (2) and (3) of subsection (a) of this section.

GENERAL

SEC. 19. (a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities may be made to and accepted by employees, and payment of travel, subsistence, and other expenses incident to attendance at meetings may be made to and accepted by employees without regard to the provisions of section 1914

of title 18 of the United States Code: *Provided*, That such contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described in section 501 (c) (3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501 (a) of such Code.

(b) Hereafter any appropriation available to any department for expenses of travel shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

(c) Whenever, under the authority of subsection (a), a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses, an appropriate reduction in accordance with regulations of the Director of the Bureau of the Budget shall be made from any payment by the Government to such employee for travel, subsistence, or other expenses incident to training in a non-Government facility or incident to attendance at a meeting.

(d) Nothing in this act shall be construed to authorize the training of any employee by, in, or through any non-Government facility any substantial part of the activities of which is (1) the carrying on of propaganda, or otherwise attempting, to influence legislation or (2) the participation or intervention in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

(e) The functions, duties, and responsibilities of the Commission under this act shall be exercised subject to supervision and control by the President and review by the Congress.

TRANSITION FROM EXISTING GOVERNMENT TRAINING PROGRAMS

SEC. 20. In order to facilitate the transition from existing Government training programs and notwithstanding any provision of this act to the contrary or the repeal or amendment of any provision of law thereby, the education, instruction, and training, either within or outside the Government, of employees of any department, under any program in effect immediately prior to the date of enactment of this act, may be initiated, continued, and completed until the expiration of the day immediately preceding (1) the day on which such department shall have placed in effect, in accordance with section 7 of this act, a program or programs of training or (2) the first day following the date of expiration of the period of two hundred and seventy days following enactment of this act specified in such section 7, whichever day first occurs. All such education, instruction, and training initiated or uncompleted prior to the day specified in clause (1) or the day specified in clause (2) of this section, whichever day first occurs, may be continued and completed under such program on and after such day.

REPEAL AND AMENDMENT OF EXISTING EMPLOYEE TRAINING LAWS

SEC. 21. (a) The respective provisions of law specified in subsections (b) and (c) of this section are each repealed or amended, as the case may be, as provided in such subsections, each such repeal and amendment to be effective (1) on and after the day on which the department listed with respect to such provision of law shall have placed in effect, in accordance with section 7 of this act, a program or programs of training or (2) on and after the first day following the date of expiration of the period of 270 days following enactment of this act specified in such section 7, whichever day first occurs.

(b) The following provisions of law with respect to the following departments are repealed and amended, effective in the manner provided in subsection (a) of this section:

(1) Atomic Energy Commission: Paragraph n of section 161 of the Atomic Energy Act of 1954 (68 Stat. 950; 42 U. S. C. 2201 (n)) is repealed. Paragraph o, p, q, r, and s of such section 161 are redesignated as paragraphs n, o, p, q, and r, respectively, of such section.

(2) Central Intelligence Agency: Section 4 of the Central Intelligence Agency Act of 1949 (63 Stat. 208; 50 U. S. C. 403d) is repealed. Sections 5, 6, 7, 8, 10, 11, and 12 of such act are redesignated as section 4, 5, 6, 7, 8, 9, and 10, respectively, of such act.

(3) Civil Aeronautics Administration, Department of Commerce: Section 307 (b) and (c) of the Civil Aeronautics Act of 1938, as amended (64 Stat. 417; 49 U. S. C. 457 (b) and (c)), is repealed. Section 307 (a) of such act is amended by striking out "(a)".

(4) Federal Maritime Board and the Maritime Administration, Department of Commerce: The last sentence in section 201 (e) of the Merchant Marine Act, 1936, as amended (53 Stat. 1182; 46 U. S. C. 1111 (e)), is repealed.

(5) National Advisory Committee for Aeronautics: The act entitled "An act to promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for Aeronautics to attend accredited graduate schools for research and study," approved April 11, 1950, as amended (64 Stat. 43; 68 Stat. 78; 50 U. S. C. 160a–160f), is repealed.

(6) Bureau of Public Roads, Department of Commerce: Section 16 of the Defense Highway Act of 1941 (55 Stat. 770; 23 U. S. C. 116) is repealed.

(7) Veterans' Administration: Section 235 of the Veterans' Benefits Act of 1957 (71 Stat. 94; Public Law 85–56), subsections (b) and (c) of section 1413 of the Veterans' Benefits Act of 1957 (71 Stat. 134 and 135; Public Law 85–56), and that part of the first sentence of paragraph 9 of part VII of Veterans Regulation No. 1 (a) (57 Stat. 45; 38 U. S. C., ch. 12A) which follows the words "The Administrator shall have the power" and ends with a semicolon and the words "and also", are repealed.

(c) Section 803 of the Civil Aeronautics Act of 1938, as amended (60 Stat. 945; 49 U. S. C. 603), is amended—

(1) by inserting "and" immediately following the semicolon at the end of clause (6) of such section,

(2) by striking out the semicolon at the end of clause (7) of such section, and

(3) by striking out "and (8) detail annually, within the limits of available appropriations made by Congress, members of the Weather Bureau personnel for training at Government expense, either at civilian institutions or otherwise, in advanced methods of meteorological science: *Provided*, That no such member shall lose his individual status or seniority rating in the Bureau merely by reason of absence due to such training."

EXISTING RIGHTS AND OBLIGATIONS

SEC. 22. Nothing contained in this act shall affect (1) any contract, agreement, or arrangement entered into by the Government, either prior to the date of enactment of this act or under authority of section 20, for the education, instruction, or training of personnel of the Government, and (2) the respective rights and liabilities (including seniority, status, pay, leave, and other rights of personnel of the Government) with respect to the Government in connection with any such education, instruction, and training or in connection with any such contract, agreement, or arrangement.

ABSORPTION OF COSTS WITHIN FUNDS AVAILABLE

SEC. 23. (a) The Director of the Bureau of the Budget is authorized and directed to provide by regulation for the absorption by the respective departments, from the respective applicable appropriations or funds available for the fiscal year in which this act is enacted and for each succeeding fiscal year, to such extent as the Director deems practicable, of the costs of the training programs and plans provided for by this act.

(b) Nothing contained in subsection (a) of this section shall be held or considered to require (1) the separation from the service of any individual by reduction in force or other personnel action or (2) the placing of any individual in a leave-without-pay status.

And to amend the title so as to read: "An act to increase efficiency and economy in the Government by providing for training programs for civilian officers and employees of the Government with respect to the performance of official duties."

Mr. JOHNSTON of South Carolina. Mr. President, the House made some minor amendments in S. 385. I have discussed them with the ranking minority member and several other members of the committee. All have agreed that it would be best at this time to concur in the House amendments. Therefore I move that the Senate concur in the amendments of the House.

Mr. CARLSON. Mr. President, I concur in the statement made by the Senator from South Carolina, the chairman of the Committee on Post Office and Civil Service. The proposed action has the approval of the members of the committee. I am happy to join the chairman in asking that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. STENNIS. Mr. President, some inquiries have come from Members whose service in the Senate has not extended over a great number of years, and there have also been other inquiries, about the historic situation which resulted in the inclusion of section 10 in the pending bill.

I believe we have documentary evidence which conclusively proves that the President and others who are concerned with the military defense of the Nation not only interposed objections to the previous Alaskan statehood bill but actually stopped the progress of that bill, and that section 10 has been included in the pending bill in an attempt to answer those objections.

I shall refer only briefly to this point. Yesterday, I read from an article in the New York Times which quoted a statement by former Secretary of Defense Wilson, under date of February 15, 1955. In that official letter he stated that he believed it would be in the interest of national security for Alaska to remain a Territory "for the present." In the same letter he said that the great size of Alaska, its sparse population, its limited communications facilities, and its stra-

tegic location create very special defense problems.

So that explains what happened to the bill in 1955. I think most of us who serve on the Armed Services Committee understood that at the time; and it was my belief that any future Alaskan statehood bill would provide that the territory about which they were concerned would be excluded.

I believe that this part of the pending bill is clearly unconstitutional and cannot be upheld by the courts. In that event, section 10 would fall; and, in that event, we would be right back where we were in 1955.

On yesterday, I covered that point when I answered the argument that the admission of Alaska to statehood would strengthen the national defense.

One of the witnesses quoted from the President's message in regard to Alaska. I wish to read the following from that message:

> The area limitations and other safeguards for the conduct of defense activities are vital and necessary to the national security.

That is what the President said before, when he recommended Alaskan statehood under those conditions.

That documentary evidence establishes beyond all doubt the opinion of those men, including that of General Twining, who testified before the committee. He has been quoted as saying that the granting of statehood to Alaska would strengthen the national defense. I now quote a statement he made:

> As I have stated, the Department of Defense believes the proposed Interior amendments—

They are the ones to be found in section 10——

> would implement the area limitations and safeguards the President has in mind. I am not an expert on the highly technical details of withdrawal language, but I am satisfied that the proposed amendments meet the demands of national security.

But without these amendments and without this section of the bill, those national-security demands will not be met.

That is why we now deal with this very serious constitutional question. In my humble opinion, this section of the bill cannot possibly stand in a court of law.

Mr. JACKSON. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. JACKSON. In connection with the letter from the Secretary of Defense in 1955—to which the Senator from Mississippi has referred—I should like to say to the Senate that beginning on page 65 of the hearings held during the 84th Congress, we find the testimony of James H. Douglas, then the Under Secretary of the Air Force, who represented the Secretary of Defense at the hearing. At that time I went into this question as to how the new statehood act would affect the national defense. Frankly, one who reads the testimony can see that a detailed breakdown as to the specific ways in which it would affect the national defense was not presented to the committee.

I wish to say to my distinguished colleague that the administration later reversed itself, and agreed that it was not necessary to the national defense to keep Alaska as a Territory, and submitted to the committee section 10 as a condition of statehood. I am being very candid about the matter.

Mr. STENNIS. Mr. President, that is a very candid statement, and is altogether characteristic of the Senator from Washington. What he has said reemphasizes the importance of section 10.

It was the opinion of those witnesses, including the President, that unless section 10 is included in the bill, the national security will not be protected.

So, Mr. President, I now address myself briefly to the legal point that, according to all the authorities, section 10, if included as a condition applicable to the admission of Alaska to statehood, will be invalid.

The facts have recently been presented to the Senate; so at this time I shall merely point out that this matter involves 276,000 square miles, with a present population of 24,000 persons, about 5,000 of whom are now in the military service.

I also wish to commend the Senator from Idaho [Mr. CHURCH] who clearly stated the situation in regard to this section. At the hearings he said:

> Except that here, and this is the unique feature in the Alaskan case, this very, very large area is being marked off; and the Federal Government is given, in effect, the power to suspend full statehood in that area.

The Senator from Idaho stated the matter very clearly, and much better than I could. His statement that "The Federal Government is given, in effect, the power to suspend full statehood in that area" relates to the very part of this provision which cannot possibly stand in a court of law.

Then the Senator from Idaho said that was proposed to be done because of military reasons. He said he could not understand the validity of those reasons, but stated that the fact remains that that is the effect of that part of the bill. I had a quotation from the Senator from Washington [Mr. JACKSON], but in view of his statement, I shall not include it in my present arguments.

The seriousness of this question was raised in the hearings, and Mr. Dechert, General Counsel for the Department of Defense, was questioned about it. This very question was raised, as to whether the jurisdiction which was going to be extended and withdrawn from the State would actually pertain to the people or just to the taking of property. There was a good deal of sparring of words, but I read the conclusion. The Senator from Washington said:

> I think what is involved here is the question of being able to move people around and to exercise Federal police power in the area. Is that not what you are really aiming at?
>
> Mr. DECHERT. Jurisdiction is usually related to people. Of course, it may also be related to property.
>
> Senator JACKSON. But if you rest your case on property, you are on weak grounds, because this is Federal land.
>
> Mr. DECHERT. That is right.
>
> Senator JACKSON. And it will remain Federal land, even if it is a State. And if it is private land, you can get an order of taking and take it, and get your damages decided in court. Is that not correct? Have I stated the law correctly?
>
> Mr. DECHERT. That is right.

What we are really talking about is that we are going to deal with people.

The Senator from New Mexico [Mr. ANDERSON] said:

> You see, I am not a lawyer like Senator JACKSON. So I want to know what you can do if it is withdrawn.

He went on and restated his question:

> What can you do if it is withdrawn, in accordance with section 10, that you cannot do otherwise?
>
> Mr. DECHERT. I think the answer, sir, is that no one can be sure of the various things that can be done. But the shortest answer is that anything can be done which thereafter the Congress alone says can be done.
>
> Senator ANDERSON. Well, suppose you name it.
>
> Mr. DECHERT. Move everybody out of a certain portion of it.

I emphasize that matter because it was disputed for a while that there would be authority to move the people out, that there was merely a property right involved. But the testimony shows, and it has been pretty generally agreed in debate by now, that this is sweeping, unlimited, and exclusive power. That is clearly the legal point which makes it invalid and upon which it cannot stand.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. It is obvious from a reading of the hearings that I had serious reservations about the request of the Department of Defense in connection with this section. Very frankly, as I interpret this section, I do not believe the Government could move anyone out of, for example, the city of Nome, unless, pursuant to an order of court, the Government took all the property which was involved. So, as a condition precedent to moving people out, Mr. President, I think the Government would be subject to the laws of eminent domain, and, as required by the Constitution, would have to provide full and just compensation. That is fundamentally a condition precedent to any action to move any people out of the area. Bear in mind that at least 99 percent of the land we are talking about is now federally owned.

Mr. STENNIS. The Senator does not expect it to continue to be federally owned for any appreciable length of time, does he—certainly not over 2, 3, 4 or 5 decades? We are now legislating for the future.

Mr. JACKSON. The area which we are discussing, which is roughly north of Brook's Range and north of Fairbanks represents a wild and desolate area. To my knowledge, none of that area is susceptible to agriculture, for example. I have serious doubt whether that area of Alaska will be populated to any extent in the foreseeable future.

Mr. STENNIS. Why was not this area simply left out of the Territory to be brought into statehood?

Mr. JACKSON. Very candidly, looking at the overall picture, we were thinking about obtaining approval, by the administration of the request for statehood. There was serious doubt whether the

administration would support statehood for Alaska.

Mr. STENNIS. And that doubt was based, was it not, upon military and national defense situations?

Mr. JACKSON. One of the reasons given was that it might be inconsistent with the military defense needs of the area. I am speaking of the official reason given by the executive branch of the Government. Section 10 as proposed by the administration was the answer to that problem. On that basis the committee tried to go halfway and accede to the request of the President of the United States. It was done at his request.

Mr. STENNIS. I appreciate that statement. I think serious doubt was raised in his mind as to the legal situation.

Mr. President, I submit that every Member of this body must agree that such a condition imposed upon the new State, as a price for its admission into the Union of States, is such a condition precedent to its admission that does violence to the equal footing doctrine which has governed the admission of all new States into the Union.

The power of Congress in respect to the admission of new States is found in article IV, section 3, of the Constitution, providing that "new States may be admitted by the Congress into this Union." The only expressed restriction upon this power is that no State shall be formed within the jurisdiction of any other State, nor by the junction of two or more States or parts of States without the consent of such States as well as of the Congress. Under the Constitution, Congress has the power to admit new States, but nowhere in the Constitution is there any authority delegated to the Congress to impose conditions for admission of a State into the Union which would prevent a new State from entering the Union upon an equal footing with all of the other States.

H. R. 7999 proposes to admit Alaska into the Union of States provided that the new State agree before admission that it surrender a part of its jurisdiction and sovereignty over a part of its citizens.

Mr. President, this poses a serious constitutional question and one which deserves the utmost consideration of this body.

Just what is equal footing?

Equal footing certainly means on an equality with others, and it denotes a reciprocal position, a position equal in its relationship to the United States and other States. Is the State of Alaska entering the Union on an equal footing in all respects whatever with the other States when it has to surrender jurisdiction and complete sovereignty over a part of its area and its citizens?

Mr. President, I should like to take a few minutes to cite the controlling and clear-cut and far-reaching case which went up to the Supreme Court regarding the admission of the State of Oklahoma. I refer to the constitutional problem which arose after the State of Oklahoma had been admitted.

This question as to the constitutional equality of States has been answered with considerable definiteness by the Supreme Court in *Coyle* v. *Smith* (221 U. S. 559). The Congress in the admission of Oklahoma on an equal footing with the original States provided that the capital of Oklahoma should be at Guthrie, and should not be changed therefrom until 1913. This enabling act stipulated that the condition should be accepted irrevocably by the Oklahoma Constitutional Convention. The convention did not include the matter in the constitution but did make the provision separately by what it called an irrevocable ordinance, and this ordinance as well as the constitution was ratified by popular vote. Within the proscribed period the Oklahoma Legislature enacted a law removing the capital to Oklahoma City. The Supreme Court held that the removal was proper and the condition imposed against this removal invalid. The opinion by Mr. Justice Lurton stands for the constitutional doctrine that States can only be admitted on an equal basis.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. CLARK. I have been much interested in the argument made along those lines by both Senators from Mississippi with respect to the Oklahoma case. Although the condition was declared by the Supreme Court to be invalid, and was set aside, nevertheless the decision had no effect upon the constitutionality of the enactment of statehood, did it?

Mr. STENNIS. No. The Supreme Court held the limitation or the condition to be invalid. I am making the point that the condition proposed in the bill is invalid, and that therefore the country will be left unprotected militarily.

Mr. CLARK. If the Senator should happen to be correct in his legal position or in his argument, in the meantime the only effect of his argument would be that in the bill passed, if it were passed as it is now before the Senate, that particular section would be invalid. The rest of the bill would still be constitutional, would it not?

Mr. STENNIS. That is as far as I have looked into the matter. I would not make any other point.

Mr. CLARK. Therefore, those of us who might perhaps feel the distinguished Senator is not correct in his legal argument would yet be protected, and the act would still be constitutional. If the bill now in the Senate should pass, and the President should sign it, Alaska would nevertheless be a valid State.

Mr. STENNIS. The Senator qualifies his remarks with the idea that the bill is valid. Of course, if a Senator feels it is valid, and is otherwise satisfied with the proposed law, he should vote for it. I believe it is clear cut that this provision is invalid. I submit I do not see how Senators can vote for the bill with such a provision in it.

Mr. CLARK. Mr. President, will the Senator yield once more, since I do not want any misunderstanding about the colloquy?

Even if this provision of the bill should be held to be invalid by a court, that would not affect the validity of the enabling statute.

Mr. STENNIS. So far as that point is concerned, I think the Senator is correct. However, I want to make it clear that, in my opinion, a Senator should not vote for a bill he thinks contains unconstitutional provisions. I am sure the Senator from Pennsylvania agrees with that.

Mr. CLARK. I thank my friend.

Mr. STENNIS. Mr. President, Mr. Justice Lurton, in discussing the powers of Congress and of the States, as defined by the Constitution, stated at page 569:

> This Union was and is a union of States, equal in power, dignity, and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new States, might come to be a union of States unequal in power, as including States whose powers were restricted only by the Constitution with others whose powers had been further restricted by an act of Congress, accepted as a condition of admission.

Mr. President, that is simply plain, old-fashioned, rockbottom commonsense. There could not be a union except one of equal States.

Mr. Justice Lurton concluded:

> When a new State is admitted into the Union it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States and that such powers may not be constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of Congressional legislation after admission.

Coyle against Smith, cited supra, is a landmark decision by our highest court and stands for the doctrine that there can be no limitation upon the authority and sovereignty of a new State required as a condition precedent for admission to the Union. The courts have consistently adhered to this theory of equal footing since the admission of the first State into the Union, and that the Congress cannot diminish or impair the powers and sovereignty of a new State.

In this connection, Willoughby, in his work on the Constitutional Law of the United States—volume 1, page 238, 1910—says:

> The Constitution, without distinguishing between the original and new States, defines the political privileges, which the States are to enjoy, and declares that all powers not granted to the United States shall be considered as reserved to the States. From this it almost irresistably follows that Congress has not the right to provide that certain members of the Union, possessing full statehood, shall have their constitutional competences in any manner less than that of their sister States. According to this, then, though Congress may exact of Territories whatever conditions it sees fit as requirements precedent to their admission as States, when admitted as such, it cannot deny to them any of the privileges and immunities which the other Commonwealths enjoy.

Burgess, in his Political Science and Constitutional Law—volume 2, page 163—says:

> The conclusion is that the Constitution recognizes no natural right to Commonwealth powers in any population, but views these powers as a grant from the sovereign, the State, which latter employs the Con-

gress to determine the moment from which the grant shall be taken. When the Congress discharges this function, however, the Commonwealth powers, both as to local government and participation in general government, are vested in the given population by the Constitution, not by the Congress. I cannot convince myself that the Congress has the right to determine what powers the new Commonwealth shall or shall not exercise, although I know that the Congress has assumed to do so in many cases. I think the Constitution determines these questions for all the Commonwealths alike. Certainly a sound political science of the Federal system could never countenance the possession of such a power by the Congress. Its exercise might lead to interminable confusion. In fact, its possession is inimical to the theory of the Federal system. As we have seen, that system can only really obtain, where the power-disturbing organ exists back of both the General Government and the Commonwealths.

Willoughby—volume 1, page 240, supra—says:

Beginning with the admission of Nevada in 1864, the promises exacted of Territories seeking admission as States assumed a more political character. Of Nevada it was required that her constitution should harmonize with the Declaration of Independence, and that the right to vote should not be denied persons on account of their color. Of Nebraska, admitted in 1867, it was demanded that there should be no denial of the franchise or any other right on account of race or color, Indians excepted. Of the States that had attempted secession, still more radical were the requirements precedent to the granting to them of permission again to enjoy the other rights which they had for the time being forfeited. Of all of them it was required that there should be, by their laws, no denial of the right to vote except for crime; and of three, that Negroes should not be disqualified from holding office, or be discriminated against in the matter of school privileges. Finally, Utah, when admitted as a State in 1894, was required by Congress by the enabling act to make by ordinance irrevocable without the consent of the United States and the people of the United States, provisions for perfect religious toleration, and for the maintenance of public schools free from sectarian control; and that polygamous or plural marriages are forever abolished. It would seem that as regards the enforceability of these contracts, a distinction is to be made between those that attempt to place the State under political restrictions not imposed upon all the States of the Union by the Federal Constitution, and those which seek the future regulation of private, proprietary interests. The first class of these agreements the Supreme Court has repeatedly held are not enforceable against the State after it has been admitted into the Union.

Tucker on the Constitution—volume 1, page 614—says:

The States have confided to the Congress as their agent the admission of a State into the Union under the Constitution. Can this constitutional authority in Congress be construed as to invest Congress as an agent with powers to impose conditions upon the new members which the Constitution has not prescribed? And, if so, does the new State enter the Union shorn of its powers pro tanto by the agent authorized to open its doors to the new Commonwealth without any such condition? The better opinion would clearly be that Congress could not impose as an obligation upon a State at the time of its admission into the Union such a restriction as it had no original power to enact or enforce.

Mr. President, I yield the floor.

Mr. ROBERTSON. Mr. President, very briefly I desire to associate myself with the position taken by my two distinguished colleagues from Mississippi concerning the invalidity of section 10 of the pending bill.

I shall be brief, for two reasons. First, several of our colleagues wish to leave the city as soon as this vote is taken, and I do not desire to unduly delay them. Secondly, the desks in this distinguished Chamber which are empty cannot vote. Neither can they record a constitutional argument.

Senators should think of what the desk behind me would say if it could talk. This was the desk of Jefferson Davis. Over beyond was the desk of John C. Calhoun. Both those Senators believed in the Constitution and in States rights.

Across the aisle, two seats from my distinguished friend, the Senator from Wisconsin [Mr. WILEY], is the desk of Daniel Webster. He believed in the Constitution and in States rights.

As to the point raised by my friend the Senator from Pennsylvania, who seems to have temporarily departed from the Chamber, whoever framed the bill had some misgivings about some of the provisions in it—possibly section 10—because we find on page 36, section 29, this language:

If any provision of this act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

The junior Senator from Mississippi is of course correct in saying that under the savings clause if one provision is held to be invalid the other provisions can stand. However, the Senator from Mississippi is very accurate when he says that the framers of the bill felt it would be vetoed unless they included in it a reservation which has never before been inserted in any statehood bill. I refer to section 10, which would permit the President to withdraw from a sovereign State for defense purposes millions of acres subject to the jurisdiction of such sovereign State, and on which citizens of the State live.

I hope my colleagues will read again page 12302 of yesterday's RECORD, June 26, on which page the junior Senator from Mississippi outlined the testimony showing the vital importance, from a national security standpoint, of the northwestern area of Alaska, which the President and all those connected with the defense organization have insisted through the years be kept subject to exclusive use by the National Government. So section 10 has been written into the bill to give the President the necessary authority.

Mr. President, yesterday and again today the senior Senator from Mississippi cited more than 20 decisions of the Supreme Court bearing directly on the provision that there must be preserved the sovereignty of the States and the equality of rights among the States, and also on the point that, once a State is created, we cannot impinge upon its sovereignty and thereby make of it a second-class State.

It is true, as the junior Senator from Mississippi has said, that the case so often cited is the Oklahoma case. In that case Congress said, "Put your capital in one place," and Oklahoma said "No, we will put it where we want to put it." Oklahoma located the capital at Oklahoma City, and the Supreme Court said Oklahoma had a right to do that, and the capital stayed there. The principle in the Oklahoma case has been cited by the present Supreme Court within the past year.

Mr. President, every one of us knows that when he entered this body he went to the Vice President's desk and the Vice President asked him to hold up his right hand and swear that he would support and uphold the Constitution. Every one of us did so. Times may arise when it it is not too clear in our minds what the Constitution means. If we have doubts—and especially if the doubts in favor of a measure outweigh those against the measure—we might say, "We will not turn this good purpose down because of some fear or unreasonable doubt."

That is not the situation at present. Twenty or more cases already cited to us demonstrate the meaning of the Constitution on the point raised, and make it crystal clear. There cannot be any argument about it. No one has attempted to make an argument about it. It is crystal clear that the language means exactly what the senior Senator from Mississippi and the junior Senator from Mississippi say it means. It is an unconstitutional reservation against the sovereignty of a new State.

What is the answer? The answer is that if this provision were not written into it, the bill would be vetoed. That narrows the choice of the Members of the Senate, Mr. President, so they must decide whether they will honor the oath they took to support and uphold the Constitution and not deliberately vote for unconstitutional provisions, or whether they will vote to adopt a provision in the bill simply because they want to see our fine fellow Americans in Alaska get statehood now.

We are suggesting the part of wisdom, Mr. President, aside from the economic questions which have been so fully discussed and never adequately answered on the floor. This is important from the point alone of our national security, and how it should be provided for in a legal way. Land might be set aside, if Senators please, as the land was set aside in Wyoming. That was the first park created in the history of the world—Yellowstone National Park. It is a wonderful park. That was done before Wyoming was made a State. There could be no question about taking from Wyoming jurisdiction over its own lands, setting aside what was essential to future defense, and saying, "Here always will be exclusive Federal jurisdiction."

As I stated last Tuesday, there are other questions which should be referred to the Judiciary Committee for

consideration and investigation and report to this body.

The vote we are about to take is on a very clear constitutional principle. Shall we or shall we not, with our eyes wide open, knowing that we cannot answer the 20 or more cases which have been cited to show that this section is unconstitutional, vote to approve it anyway?

I hope that a majority of the Senate will say, "Regardless of how much we would like to see immediate and favorable action taken in behalf of Alaska, we cannot go back on the oath we have taken to uphold and support the Constitution."

Mr. JACKSON. Mr. President, the points of order seek to raise questions on the merits of the bill, as it may or may not conform with constitutional law. As has been discussed here on the floor during this debate, it is most difficult to say how the Supreme Court will decide any constitutional question. Though the proponents of these points of order are learned in the constitutional law, it is an inescapable fact that 50 percent of the lawyers are wrong in every lawsuit.

We would spend the rest of this session and all of the next arguing the legal authorities on both sides of this question. But that is not the function of this body. Our function is to make a legislative decision: Do we want statehood for Alaska, or do we not?

Nothing we do here can change the Constitution, nor is it intended to do so. Nothing is more certain in our law than the fact that State laws and the laws of Congress must conform to the Constitution as interpreted by the Supreme Court of the United States. To the extent that they violate the Constitution, all such laws will be inoperative.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. EASTLAND. A Senator has an obligation under his oath of office to pass upon the constitutionality of proposed legislation. Of course, every Senator is the judge of what he should do, and I have no complaint or criticism with respect to any decision which other Senators may make.

I should like to ask the Senator a question. What authority is there for the constitutionality of section 10 of the bill?

Mr. JACKSON. Let me answer the first part of the question first.

Certainly I would be the last to say that there can be no doubt that the proposed section is in all parts constitutional. Obviously, as a reading of the printed record of the hearings will show, I raised some questions about this section.

Mr. EASTLAND. Of course the Senator did. He was in doubt.

Mr. JACKSON. I had some doubts, but I have resolved them in favor of the bill's constitutionality.

Mr. EASTLAND. That is a decision for the Senator to make, without any criticism on my part.

Mr. JACKSON. The distinguished senior Senator from Mississippi was detained at the moment I was interrogating the distinguished junior Senator from Mississippi on this point. I made the point that the Federal Government, as a condition precedent to moving people from this area, would have to take the State property, city property, or private property pursuant to the law of eminent domain.

Mr. EASTLAND. Where is the decision holding that Congress may place conditions on the admission of a State to the Union?

Mr. JACKSON. I will mention one case which I believe to be particularly in point. But this is an example of the problem which arises when we get into detailed constitutional arguments.

Mr. EASTLAND. We do not need to get into detailed questions on the subject of constitutionality. Where is the case which holds that Congress may place conditions on the admission of a State into the Union?

Mr. JACKSON. In the case of *Fort Leavenworth* v. *Lowe* (114 U. S. 525, at p. 526), the court made this statement with reference to Federal retention of the area which constituted Fort Leavenworth:

> But in 1861 Kansas was admitted into the Union upon an equal footing with the original States, that is, with the same rights of political dominion and sovereignty——

Mr. EASTLAND. "With the same rights of political dominion sovereignty." We can understand that.

Mr. JACKSON (continuing)—

> subject, like them, only to the Constitution of the United States. Congress might undoubtedly, upon such admission, have stipulated for retention of the political authority * * * so long as it should be used for military purposes * * * that is, it could have excepted the place from the jurisdiction of Kansas.

Mr. EASTLAND. That is, Fort Leavenworth.

Mr. JACKSON. That is the closest case I have been able to find on this point. To my knowledge, this exact situation has never occurred before. I am giving the distinguished Senator from Mississippi the closest case in point.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LAUSCHE. Was the reservation and withholding of that particular area made at the identical time when the State was created, or was there reserved the right to withdraw after the State came into existence?

Mr. JACKSON. Neither. It is my understanding that Fort Leavenworth existed before Kansas was admitted to the Union.

Mr. EASTLAND. What the Senator is mentioning is a question of control of land. The question involved here is control of sovereignty and the rights of people.

Mr. JACKSON. I do not intend to enter into a lengthy colloquy on that subject. I merely wish to say that surely no one can deny the right of the Federal Government to condemn State-owned land or city-owned land for military purposes.

Mr. EASTLAND. The Senator does not mean that that is the question involved in this case, does he?

Mr. JACKSON. Certainly that is one of the questions involved.

Mr. EASTLAND. Is that the question here?

Mr. JACKSON. It certainly is.

Mr. EASTLAND. When we are giving the Federal Government the right to suspend statehood?

Mr. JACKSON. States cannot enact laws inconsistent with the national security.

Mr. EASTLAND. It is proposed here to give the Federal Government the power to suspend State laws which are inconsistent with Federal laws. It is proposed to give the Federal Government the power to discharge State officials and appoint Federal officials. Am I to understand the Senator to say that no question about suspending statehood is involved?

I think our colleague the Senator from Idaho [Mr. CHURCH] is a very intelligent, able man. I quote from his statement at the hearing:

> Senator CHURCH. Except that here, and this is the unique feature in the Alaskan case, this very, very large area is being marked off, and the Federal Government is given in effect the power to suspend full statehood in that area, and the justification for doing this is that it will enhance the defense of the country; that it will facilitate the defense of Alaska and the country.

Mr. JACKSON. There is no doubt in my mind about the right of the Federal Government to take over any part or all of any city if it can establish the fact that such is necessary for the national defense.

Mr. EASTLAND. There is a great deal of difference between condemning property and denying sovereignty to half a State and making it revert to the status of a Territory.

Mr. JACKSON. Surely in those areas where the Federal Government exercises exclusive jurisdiction, as on a military reservation, the reservation is not subject to any exercise of State soverignty that is in conflict with the national interest.

Mr. EASTLAND. There is no question of sovereignty involved there.

Mr. JACKSON. There is the same question whenever the Federal Government takes land for defense purposes.

Of course we can argue this point interminably. Whatever doubts may exist on the subject, I believe they should be resolved in favor of constitutionality.

Mr. LAUSCHE. Mr. President, I contemplate supporting the point of order raised by the Senator from Mississippi. I shall do so on the basis of the clear declaration made by Mr. Justice Lurton in the Coyle case, which is conceded to be the ruling case on the issue involved in the debate now in progress in the Senate. Mr. Justice Lurton said in that case:

> When a new State is admitted into the Union it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States and that such powers may not be constitutionally diminished, impaired, or shorn away by any conditions, compacts or stipulations embraced in the act under which the new State came into the Union, which would not be valid

and effectual if the subject of Congressional legislation after admission.

The condition contained in the pending bill does not deal with expanded powers given to the United States Government in pursuance of a declaration of martial law. It does not deal with the power of the Federal Government to exercise eminent domain within the States. It does not deal with the power of the Federal Government under conditions of necessity in time of defense to exercise powers which are not exercised in times of peace.

Under the pending bill, a sovereign State will be created, and there will be reserved to the United States Government the power to suspend the sovereignty of that State at the discretion of the President of the United States. In one breath the State is created, with geographical boundaries; in the next breath, it is declared that after that sovereign State comes into existence, in the discretion of the President it can be terminated or suspended insofar as practically one-half of its area is concerned.

I shall vote to sustain the point of order on the basis that that provision is not constitutional. All the proponents in their discussions have conceded their positive doubt about the constitutionality and propriety of the provision. I do not believe that I would be acting in accordance with my responsibilities as a Senator if I voted in the affirmative in connection with a section of the bill which I believe to be unconstitutional.

Mr. THURMOND. Mr. President, I rise to speak on the first point of order directed against H. R. 7999, which has been raised by the distinguished Senator from Mississippi [Mr. EASTLAND].

The admission of a State to the Union is an irrevocable step. It would be tragic if Congress should admit the Territory of Alaska to statehood by passing a bill which did not stand four-square with the law. It would be a tragic thing if the Congress should pass a bill on such an important matter which had in it defects which would be challenged successfully in the courts.

My position on the subject of Alaskan statehood is well known to the Members of the Senate. I do not believe that it is a wise step to admit Alaska to statehood at this time. At the same time, I feel a genuine sympathy and affection for the people of Alaska. If a statehood bill is to be passed at all, then I devoutly hope that it will be a good bill from the standpoint of the legal technicalities involved. No doubt those Alaskans who desire statehood would be disappointed if the Alaskan statehood bill is not enacted. They will be much more deeply disappointed, however, if a bill is passed which flies in the face of the Constitution of the United States. Such a bill would cast grave doubts on the legality of any and every action taken by the government of the new State of Alaska.

Therefore, Mr. President, I believe that it is of paramount importance that the Senate examine H. R. 7999 with extreme care.

I will begin by discussing the point that section 10 of H. R. 7999 violates the constitutional requirement for equality of States in the Union.

Section 10 authorizes the President of the United States to establish by Executive order or proclamation one or more special national defense withdrawals within the exterior boundaries of Alaska which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

These withdrawals may be made in a wide area of Alaska. The line begins at the point where Porcupine River crosses the international boundary between Alaska and Canada; thence along the main channel of the Porcupine River to its confluence with the Yukon River; thence along the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160° W. of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162°30′ W. of Greenwich; thence south to the intersection of said meridian with the parallel of latitude of 57°30′ N.; thence east to the intersection of said parallel with the meridian of longitude 156° W. of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50° N.

The purpose of this section of the bill is to permit the President of the United States to secure jurisdiction over this wide area for national defense purposes. No doubt this section of the bill is well intentioned. The difficulty is that it is clearly in violation of the Constitution of the United States. Congress cannot legislate solely on the basis of good intentions. Ours is a government of laws. It is necessary for Congress to consider the basic law of our country, the Constitution, in considering any and all legislation. H. R. 7999 states that the State of Alaska is to be declared a State of the United States of America and is declared admitted into the Union on an equal footing with the other States of the Union in all respects whatever. This, too, is a laudable declaration of intention. If Alaska is to be a State, then surely it should be and must be placed on an equal footing with the other States; however, this good intention that the State of Alaska shall be equal in all respects to other States is contradicted by the language of section 10 of the bill.

Nor would it be possible, under our Constitution, to admit the State of Alaska under any condition except that of equality. The courts have said time and time again that the condition of equality of States is an inherent attribute of all of the States of the United States.

I am sure that the Members of the Senate all recall the memorable words of Chief Justice Salmon P. Chase in the case of Texas against Wyatt when he said:

> The Constitution, in all of its provisions looks to an indestructible Union, composed of indestructible States.

Nevertheless, it is proposed that the State of Alaska be admitted to the Union under conditions which would permit the Federal Government to destroy the sovereignty of that State over a large part of its territory.

This area consists of approximately 166 million acres of land, most of it unsettled. There is very little civilian activity in the acres under discussion. As a practical matter, it has been argued, there are not enough civilians in this large area for it to make much difference whether it is under the jurisdiction of the Federal Government or the Government of the State of Alaska. I submit that while it may not make much practical difference, the principle involved is one of the utmost importance. Nor can we say what will be the status in years to come. We do not know whether this area of Alaska will be subject to great economic development in years to come. Therefore, in the future, it may be of great practical importance. For the present, however, we must concern ourselves principally with the fact that this provision of the bill is a direct contradiction of the Constitution of the United States.

It may be helpful now to refer to some of the discussion of the problem of the national defense withdrawal area, as it appears in the report of the hearings before the Subcommittee on Territorial and Insular Affairs of the Committee on Interior and Insular Affairs of the House of Representatives.

A number of questions arose concerning the manner in which this section would be applied.

Gen. Nathan B. Twining, appearing in the capacity of Acting Chairman of the Joint Chiefs of Staff, testified that the withdrawal provision would satisfy the doubts which the Department of Defense has had in the past concerning the wisdom of granting statehood to Alaska. General Twining said:

> From the military point of view the overall strategic concept for the defense of Alaska would remain unaffected by a grant of statehood. Tactically, however, the ease of accomplishment of the military operations necessary to implement the strategic concept would be greater with proper defense area limitations and safeguards.

General Twining then went on to say:

> I am not an expert on the highly technical details of withdrawal language, but I am satisfied that the proposed amendments meets the demands of national security.

Mr. President, there are no experts in withdrawal language. The fact is that no State was ever admitted to the Union under a bill containing any sort of withdrawal language and, therefore, there are no experts on this subject. There is not a great deal to know about the technical details of implementing such a withdrawal because no such implementation can be made under the provisions of our Constitution.

Now to further illustrate the manner in which these defense withdrawals might be made, I refer also to testimony by the Honorable Hatfield Chilson in his capacity as Under Secretary of the Interior. Mr. Chilson was questioned by the gentleman from Colorado, the Honorable WAYNE N. ASPINALL, the object of the questioning being to ascertain exactly what jurisdiction would be given up by the government of the State

of Alaska if the President exercised his authority to make special national defense withdrawals within the Territory.

Mr. ASPINALL brought up the example of the fishing industry, a substantial proportion of which is centered in areas which might be withdrawn from State jurisdiction. Mr. Chilson gave what might be taken to be a reassuring reply. He said, essentially, that the withdrawal power would be used discreetly by the Federal Government, and that it would not infringe upon or override the laws of the State of Alaska, unless it was necessary. I quote now from Mr. Chilson:

> If the President did not exercise his authority to make any special national defense withdrawals, upon admission the laws of the State of Alaska would govern. If the President should exercise his power for a special defense withdrawal in a fishing area, the laws of the State of Alaska could well govern the fishing industry, unless the nature of the use of that withdrawal should interfere with it, or, two, unless some law passed by Congress should be inconsistent with the State law. In that event, the Congressional expression would govern in the national defense withdrawal area.

There was, however, one important point which advocates of Alaskan statehood should not overlook. Mr. Chilson said further:

> The State laws would apply even in the special defense withdrawal. They would be executed, of course, by Federal representatives, because it would be exclusive jurisdiction in the Federal Government.

The fact is that the law provides that the Federal Government shall withdraw as much jurisdiction from the State as suits the convenience of the Federal Government, provided only that such exclusive Federal jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals and, that such exclusive Federal jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts and the qualifications and procedures for voting in all elections. Those were only two matters which were left out of the exclusive jurisdiction of the Federal Government.

Of course, the great majority of the acreage under discussion is the property of the Federal Government. Under normal conditions, the State of Alaska will have concurrent jurisdiction with the Federal Government over all public lands not otherwise areas of exclusive jurisdiction, such as military reservations established prior to statehood. This State jurisdiction would extend to the police power exercised by the State through legislative and executive action. The courts of the State would have jurisdiction over criminal and civil actions throughout Alaska. Municipalities would be the creation of, and subject to, Alaska State law.

When the President decided to exercise the authority given him to establish a special national defense area, he would issue an Executive order or proclamation specifying the area and setting forth the exceptions from the requirement of exclusive Federal jurisdiction. The Federal Government would take exclusive jurisdiction, except in areas of government which the President excepted from his Executive proclamation.

Upon issuing such an order, the Chief Executive would take the responsibility for enforcing all applicable laws of the State of Alaska in the area covered by the order. For the purposes of administration and enforcement, these Alaska State laws would become for all practical intents and purposes Federal laws. They might be enforced by United States marshals or, at the discretion of the President, by local police officials authorized by the President to act as law enforcement agents.

It is a curious fact that after the issuance of an order by the Chief Executive establishing a national defense area, the laws of the State of Alaska, as they apply to that area, could be amended, revised, or even suspended, by action of the United States Congress. The only exceptions would be laws relating to municipalities and State laws relating to elections.

The Federal Government is given, in effect, the power to suspend full statehood in the areas withdrawn from State sovereignty.

This provision is, in no sense of the word, a contract or a compact between the government of Alaska and the Federal Government, limiting or restricting the activities of the Federal Government in the future. It is no more and no less than an arrangement by which the Congress agrees to confer statehood on Alaska at the price of Alaskan sovereignty over this large area of Alaska.

It has been argued that certain States of the Union were admitted only subject to certain conditions set forth in advance by Congress. However, no conditions similar to those have ever been attached to statehood as are attached in the Alaskan statehood bill. These conditions are so stringent that the approximately 24,000 citizens in the withdrawal area could be evacuated at a moment's notice on order of the Federal Government. It would require only two Executive orders from the President of the United States, one withdrawing the area from State control and another ordering the citizens to depart.

I now refer to the case of Coyle against Oklahoma. I read from the opinion of the Court:

> The definition of "a State" is found in the powers possessed by the original States which adopted the Constitution, a definition emphasized by the terms employed in all subsequent acts of Congress admitting new States into the Union. The first two States admitted into the Union were the States of Vermont and Kentucky, one as of March 4, 1791, and the other as of June 1, 1792. No terms or conditions were exacted from either. Each act declares that the State is admitted "as a new and entire member of the United States of America" (1 Stat. 189, 191). Emphatic and significant as is the phrase admitted as "an entire member," even stronger was the declaration upon the admission in 1796 of Tennessee, as the third new State, it being declared to be "one of the United States of America," "on an equal footing with the original States in all respects whatsoever," phraseology which has ever since been substantially followed in admission acts, concluding with the Oklahoma act, which declares that Oklahoma shall be admitted "on an equal footing with the original States."
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> The power is to admit "new States into this Union."
>
> "This Union" was and is a union of States, equal in power, dignity and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself. To maintain otherwise would be to say that the Union, through the power of Congress to admit new States, might come to be a union of States unequal in power, as including States whose powers were restricted only by the Constitution, with others whose powers had been further restricted by an act of Congress accepted as a condition of admission. Thus it would result, first, that the powers of Congress would not be defined by the Constitution alone, but in respect to new States, enlarged or restricted by the conditions imposed upon new States by its own legislation admitting them into the Union; and, second, that such new States might not exercise all of the powers which had not been delegated by the Constitution, but only such as had not been further bargained away as conditions of admission.
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> * * * * *
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> The plain deduction from this case is that when a new State is admitted into the Union, it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States, and that such powers may not be constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of Congressional legislation after admission.

In that case Congress passed a law admitting Oklahoma into the Union. The law provided that the admittance of the State of Oklahoma was conditional; that the State capital must be located at the town of Guthrie, and that the State capital could not be moved from Guthrie by State authority until 1913. The new State of Oklahoma disregarded this provision in the law. The legislature almost immediately removed the capital to Oklahoma City. The Court, in that case, found in favor of the State of Oklahoma.

It has been pointed out, too, that the State of Wyoming was admitted to the Union with the condition that the Federal Government would maintain jurisdiction over the area encompassed by the boundaries of the Yellowstone National Park. This example was, in fact, used as an argument during the Senate hearings to justify the constitutionality and the legality of the withdrawal provisions of the Alaskan statehood bill. The facts of the matter are that Yellowstone Park was reserved by an act of Congress 18 years before Wyoming was admitted to the Union as a State.

The argument has also been made that the Federal Government was given jurisdiction over land in the State of Arizona and in the State of New Mexico, for purposes of national defense. The facts are, however, that jurisdiction over those lands was given by the Legislatures of the States of New Mexico and Arizona. It was a case of action by the States; it was not Federal action.

Mr. President, I believe it will be desirable at this point to cite certain decisions of the Supreme Court, in which the Court has consistently held in favor of the doctrine that new States must

be admitted into the Union on an "equal footing" with the old ones.

The United States Supreme Court, in *Ex parte Webb* (225 U. S. 663), at page 690, had this to say:

It is not our purpose to qualify the doctrine established by repeated decisions of this Court that the admission of a new State into the Union on an equal footing with the original States imparts an equality of power over internal affairs.

* * * * *

The most recent decision of this Court upon the subject of the proper construction of acts of Congress passed for the admission of new States into the Union is *Coyle* v. *Smith* (221 U. S. 559), where it was held that the Oklahoma Enabling Act (34 Stat., c. 3335, p. 267), in providing that the capital of the State should temporarily be at the city of Guthrie, and should not be changed therefrom previous to the year 1913, ceased to be a limitation upon the power of the State after its admission. The Court, however, was careful to state (221 U. S. 574): "It may well happen that Congress should embrace in an enactment introducing a new State into the Union legislation intended as a regulation of commerce among the States, or with Indian tribes situated within the limits of such new State, or regulations touching the sole care and disposition of the public lands or reservations therein, which might be upheld as legislation within the sphere of the plain power of Congress. But in every such case such legislation would derive its force not from any agreement, or compact with the proposed new State, nor by reason of its acceptance of such enactment as a term of admission, but solely because the power of Congress extended to the subject, and therefore would not operate to restrict the State's legislative power in respect of any matter which was not plainly within the regulating power of Congress."

In the case of *Case* v. *Toftus*, 39 Federal Reports 730, at page 732, the Court said:

The doctrine that new States must be admitted into the Union on an "equal footing" with the old ones does not rest on any express provision of the Constitution, which simply declares (art. 4, sec. 3) "new States may be admitted by Congress into this Union," but on what is considered and has been held by the Supreme Court to be the general character and purpose of the union of the States, as established by the Constitution, a union of political equals. (*Pollard* v. *Hagan* (3 How. 233); *Permoli* v. *New Orleans* (Id. 609); *Strader* v. *Graham* (10 How. 92).)

In *Boyd* v. *Thayer* (143 U. S. 135), at page 170, the Court said:

Admission on an equal footing with the original States, in all respects whatever, involves equality of constitutional right and power, which cannot thereafterward be controlled, and it also involves the adoption as citizens of the United States of those whom Congress makes members of the political community, and who are recognized as such in the formation of the new State with the consent of Congress.

In *Escanaba Company* v. *Chicago* (107 U. S. 678, at p. 688), Mr. Justice Field, speaking for the Supreme Court, said:

Whatever the limitation upon her powers as a government whilst in a territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her, after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted, and could be admitted, only on the same footing with them. * * * Equality of the constitutional right and power is the condition of all the States of the Union, old and new.

In *Skiriotes* v. *Florida* (313 U. S. 69), at page 77, the Court said:

If the United States may control the conduct of its citizens upon the high seas, we see no reason why the State of Florida may not likewise govern the conduct of its citizens upon the high seas with respect to matters in which the State has a legitimate interest and where there is no conflict with acts of Congress. Save for the powers committed by the Constitution to the Union, the State of Florida has retained the status of a sovereign. Florida was admitted to the Union "on equal footing with the original States, in all respects whatsoever" (act of March 3, 1845, 5 Stat. 742). And the power given to Congress by section 3 of article IV of the Constitution to admit new States relates only to such States as are equal to each other "in power, dignity and authority, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself" (*Coyle* v. *Smith* (221 U. S. 559, 567)).

Mr. President, the situation which would exist under the Alaskan Statehood bill has been compared, correctly, with the situation which existed in the State of California during World War II, when a large number of persons of Japanese ancestry were evacuated from the coastal areas by order of the Federal Government. There was one important difference. In the case of California, a national emergency existed. In the case of Alaska, it is proposed to give to the President of the United States blanket authority without the invocation of martial law, without the necessity of gaining the permission of the State, and without the presence of a national emergency.

The simple fact of the matter, then, is that Congress is establishing as a condition for the admission of the State of Alaska that it consent in advance to exclusive authority in the Federal Government to supercede State sovereignty over a portion of its area and a portion of its citizenry. Mr. President, if we adopt the principle that Congress can set forth conditions which the citizens of territories must agree to in order to achieve statehood, it follows that we can have a Government of unequal States, some States with unrestricted powers, and other States whose powers have been restricted by the act of Congress which admitted States to the Union.

I urge, Mr. President, that this point of order be sustained, and section 10 of H. R. 7999 be stricken from the bill.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The question is on the point of order No. 1 of the Senator from Mississippi.

Under the precedents of the Senate, when a question is raised in the Senate involving the constitutionality of a provision of a bill, the Presiding Officer has no authority to pass upon such a question, but is required to submit the question for the decision of the Senate, itself. The Chair therefore submits to the Senate the question: Is the point of order that section 10 violates the constitutional requirement for equality of States well taken?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senators from Texas [Mr. JOHNSON and Mr. YARBOROUGH], and the Senator from Michigan [Mr. MCNAMARA] are absent on official business.

I further announce that, if present and voting, the Senator from Michigan [Mr. MCNAMARA] and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. FLANDERS], the Senator from Indiana [Mr. JENNER], the Senator from North Dakota [Mr. LANGER], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from California [Mr. KNOWLAND], the Senator from Kentucky [Mr. MORTON], and the Senator from West Virginia [Mr. REVERCOMB] are absent on official business.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The pair of the Senator from California [Mr. KNOWLAND] has been previously announced.

Also, the pair of the Senator from Kentucky [Mr. MORTON] has been previously announced.

If present and voting, the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. FLANDERS], the Senator from West Virginia [Mr. HOBLITZELL], and the Senator from Maine [Mr. PAYNE] would each vote "nay."

Mr. BUSH (when his name was called). On this vote I have a pair with the distinguished junior Senator from Kentucky [Mr. MORTON]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. IVES (when his name was called). On this vote I have a pair with the distinguished senior Senator from California, the minority leader [Mr. KNOWLAND]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

The result was announced—yeas 28, nays 53, as follows:

YEAS—28

Bridges	Hickenlooper	Russell
Butler	Johnston, S. C.	Saltonstall
Byrd	Jordan	Schoeppel
Cooper	Lausche	Smathers
Curtis	Malone	Stennis
Eastland	Martin, Iowa	Talmadge
Ellender	Martin, Pa.	Thurmond
Ervin	McClellan	Young
Frear	Mundt	
Fulbright	Robertson	

NAYS—53

Aiken	Case, S. Dak.	Hennings
Allott	Chavez	Hill
Anderson	Church	Holland
Barrett	Clark	Hruska
Beall	Cotton	Humphrey
Bennett	Dirksen	Jackson
Bible	Douglas	Javits
Bricker	Dworshak	Kefauver
Carlson	Goldwater	Kennedy
Carroll	Green	Kerr
Case, N. J.	Hayden	Kuchel

Long	O'Mahoney	Sparkman
Magnuson	Pastore	Symington
Mansfield	Potter	Thye
Monroney	Proxmire	Watkins
Morse	Purtell	Wiley
Murray	Smith, Maine	Williams
Neuberger	Smith, N. J.	

NOT VOTING—15

Bush	Ives	McNamara
Capehart	Jenner	Morton
Flanders	Johnson, Tex.	Payne
Gore	Knowland	Revercomb
Hoblitzell	Langer	Yarborough

So Mr. EASTLAND'S point of order numbered 1 was not sustained.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the point of order was not sustained.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. MORSE. Mr. President, of all the arguments which have been used in opposition to statehood for Alaska, and for Hawaii, too, the least impressive to me is that Alaska is noncontiguous to the continental United States.

In none of the speeches which I have heard citing the noncontiguous factor have I heard any explanation given to show why it is a bad thing.

Senators have said that Canada separates the Territory of Alaska and the continental United States. This is a fact of geography, but I do not see that it has much to do with whether or not Alaska should be a State of the Union.

The history of the settlement of America is evidence of the conquest of time and space by modern transportation and communication that we have achieved.

The fact is that most of the west coast became part of the American Union when the people living there were far more isolated from their fellow citizens than Alaskans are today.

The pattern of orderly, progressive settlement of the United States stopped at the Mississippi River. From its banks westward lay the treeless Great Plains, then the Rocky Mountains, and great deserts. It was the lush valleys of California and Oregon that attracted settlers, and they crossed hundreds of miles of what was then tortuous country, to live in California and Oregon, and make them States.

The settlers who crossed the middle of the continent to settle the west coast in the 1840's and 1850's, had to start in April in order to reach the Willamette Valley in Oregon by the next November. Many of their trains were delayed by weather or hostile Indians at the military outposts in Nebraska and Wyoming and they had to wait until the following spring to continue their trip. The hazards and trials they underwent have been vividly recorded by such great writers as A. B. Guthrie, and this epoch of our history lives today in every medium of our entertainment.

There were few attractions for settlers between Missouri and the west coast. The territory between was nominally under the jurisdiction of the United States, but it was inhabited only by Indians, most of them hostile. Trappers, explorers, a few miners, military stations, and stage stations along the traveled routes were about the only representatives of western civilization. The Great Plains and the Rockies were regarded only as obstacles to be overcome in order to reach the coast. Aside from the trials of nature, the wandering Indian tribes regarded the whites as invaders—and rightly so—who imperiled their way of life, and they were always a threat to travelers, not to mention settlers. Little protection from Indians existed, except near the Army forts.

Yet California became a State in 1850; Oregon became a State in 1859; both were many hundreds of miles from the nearest neighboring States and even the nearest organized Territory of Nebraska. Texas was 650 miles from California; and except for California on its southern border, the nearest State to Oregon in any other direction was Iowa, well over 1,000 miles distant.

California and Oregon were separated from their sister States by vast spaces that were crossed by courageous pioneers, but not either by telegraph or railroad. Except by stagecoach, the quickest way to reach them from the east coast was by sailing around Cape Horn, and the record for that trip was 97 days.

The first telegraph service did not cross the continent until 1861, nor the first train until 1869.

Now, a hundred years later, we are linked to Alaska by instantaneous communication from all parts of the United States. Radio, telephone, telegraph, cables, mail schedules, the all-weather road from Great Falls, Mont., to Fairbanks, and air and steamship travel render meaningless the geographic distance so far as statehood is concerned. Today it is 20 hours by air from the east coast to Alaska, and only 5 hours from Seattle to Anchorage. In the 1840's, the fastest stage connection between Missouri and California took 24 days, and that was a rarity.

The fact that California and Oregon did not border on their sister States nor on the rest of the American community was no bar to their admission in 1850 and 1859. I think most Oregonians would share my own reaction to the noncontiguous argument, which is simply: "So what?" The thousand miles that separated Oregon from Iowa in 1858 were far more difficult to overcome than the 600 miles between the west coast and Alaska are in 1958. Does anyone deny that it is easier to travel through Canada to Alaska now than it was to travel through Indian territory to California or Oregon or Nevada when they first became States? Intervening land and water have simply not been shown to have any particular bearing on the statehood issue.

We in Oregon and the rest of the Pacific Northwest are tied to Alaska by the ties that really matter. A great many of the Oregon citizens who have written to me in support of Alaskan statehood have mentioned the friends and relatives they have there, and their capability of running their own affairs.

Our industries in Oregon are comparable to those of Alaska, and many do business in both places. Lumber is a major industry in Alaska, as it is in Oregon. Fishing is an important industry to both. Our institutions of commerce, credit, and banking in the Pacific Northwest embrace Alaska within the area they serve.

The implication of the noncontiguous argument that Alaska is non-American, or otherwise isolated from our culture and economy is simply ridiculous.

So historically, contiguity has not been a factor in consideration for statehood. It should not be now. What counts is whether the people there want statehood and whether the area is capable of sustaining it.

On these points, I am satisfied that Alaska should be admitted to the Union. The advocates of H. R. 7999 have for several days been detailing the expressions from the people of Alaska that they want statehood. And they have been detailing the economic capacity of the Territory and its population to maintain statehood.

I shall not repeat them, except to point out that the evidence has been growing ever since statehood first won approval from a Congressional committee in the 80th Congress, when it was reported favorably by the House Committee on Public Lands.

In 1950, it was my honor to go to Alaska as a member of a subcommittee of the Committee on Armed Services for a series of investigations and hearings in connection with American military bases in Alaska. The subcommittee conducted hearings for some days in Alaska.

In addition to the hearings, I made a part of my mission an investigation of the statehood problem in Alaska. I had the very able cooperation and the assistance of a great Governor of Alaska, Governor Gruening at the time, now a Senator-elect from Alaska. As the result of my investigations of the statehood question—and I so reported when I returned to the Senate that year—I left Alaska convinced of two things: First, that the people of Alaska, by an overwhelming majority, want statehood; second, that the people and the economy of Alaska can sustain statehood, with the result that, admitted to the Union, Alaska will become one of the bright stars, figuratively speaking, in the American flag.

I think it would be most unfortunate—I speak now not as a former member of the Committee on Armed Services, but as a present member of the Committee on Foreign Relations—if the bill should not be passed and signed by the President, and Alaska welcomed into the Union. I think one of the best lessons we can teach the world is the admission of Alaska to statehood. I think its effect upon foreign relations would be tremendous and would demonstrate that in our country we support self-government and actually believe in freedom put into practice.

I am making a plea to give the people of the Territory of Alaska the full benefits of freedom. In my judgment, we cannot do that unless we grant to them what has become their earned statehood.

Since 1949, I have cosponsored legislation in each Congress to provide for Alaskan statehood.

I have voted for it each time I have had the opportunity.

In conclusion, I shall quote to my colleagues a pledge—and a prediction—which far antedates the campaign pledges to Alaska of recent decades by both the Republican and Democratic Parties.

In his inaugural address of March 4, 1845, President James Polk affirmed his policy to seek admission of Texas as a State and to retain American jurisdiction over the Territory of Oregon. In that great speech he said:

> Our title to the country of the Oregon is clear and unquestionable, and already are our people preparing to perfect that title by occupying it with their wives and children. But 80 years ago our population was confined on the west by the ridge of the Alleghenies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi, adventurously ascended the Missouri to its headsprings, and are already engaged in establishing the blessings of self-government in valleys of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our Territory cannot be long delayed, within the sphere of our federative Union.

In pleading for Alaskan statehood today, I am simply seeking to implement the prophecy, the idealism, the recognition of responsibility to our settlers in far distant places and to bring them into the Union as soon as they have qualified for admission to the Union. President Polk recognized that ideal, and I think the time is long overdue for its implementation in connection with Alaska statehood.

Alaska is a distant region selected for their homes by 206,000 Americans.

It is time we extended the vision Polk displayed in his day to Alaska in our day.

Therefore, I close with the sincere hope and plea that the Senate will proceed to pass favorably upon the bill and send it on its way to the White House for signature by the President.

Mr. CHURCH. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. CHURCH. First, I wish to say that in the address the Senator from Oregon has just made in support of Alaskan statehood, he has displayed the farsightedness that is typical of him in connection with matters of great legislative consequence.

I should like to ask him whether it is true that when Oregon was admitted to the Union in 1859, the territory which lay between Oregon and the States of the Union to the east was a vast area of mountain land and prairie land that made Oregon so remote from the body of the States to the east that the Republican delegates who were to attend the Republican National Convention could not even reach the convention, and had to be represented there by proxy; and one of the proxies—if I correctly recall—was Horace Greeley.

So, if my historical references are accurate, I wish to ask the Senator from Oregon whether he agrees with me, that, judged by reasonable, practical standards, when Oregon was admitted to the Union, she was much more remote and much more noncontiguous, as regards the States to the east, than Alaska is today, in relation to the present 48 States.

Mr. MORSE. First, I wish to say that I appreciate very much the Senator's personal reference, because my regard for the Senator from Idaho is such that any compliment from him is deeply cherished by me.

His statement of facts in regard to what happened to the Oregon delegation to the Republican National Convention is correct.

Mr. President, I shall not begin to discuss Oregon history now; but if I did, I could tell some very interesting stories about what happened to some of the early Oregon Members of Congress. Some of them had to travel all the way around Cape Horn. In fact, I have in my office a cedar chest which belonged to Oregon's third Senator, which he used to ship his papers from Oregon to Washington, and then back to Oregon, around Cape Horn. He left, for the historic records of our State, some very interesting accounts of some of his trials and tribulations.

Neither shall I say anything at this time about the problems of Col. Edward D. Baker, one of Oregon's United States Senators during the Civil War period. During his term as Senator, he really was Lincoln's floor manager in the Senate. While serving as Senator, he continued to serve in the United States forces, and was killed at the battle of Ball's Bluff. He, too, has left some very interesting accounts in regard to the problems involved in traveling between Oregon and the seat of the Federal Government.

Let me say that the Senator from Idaho is quite correct; namely, Oregon then was much farther removed—on the basis of the so-called noncontiguity argument—than Alsaka is today, in the present time and age. After all, today Alaska is not far distant from any part of the United States; only a few hours are required to reach it from any part of the Nation.

I wish to thank the Senator from Idaho for his very worthwhile contribution to my remarks.

Mr. CHURCH. Let me state that I am in complete agreement with the remarks of the Senator from Oregon. In terms of the concepts of 20th-century living, Alaska is certainly no farther from this Chamber than the telephones in the cloakrooms; and by airplane one can reach Alaska from Washington more quickly and with less danger than one could reach Philadelphia from Washington when Thomas Jefferson took the oath of office as the third President of the United States.

Mr. MORSE. Mr. President, the Senator from Idaho is entirely correct.

Mr. President, I yield the floor.

Mr. CASE of South Dakota. Mr. President, before the Senator from Oregon yields the floor, I should like to have him yield to me, for I desire to ask several questions.

Mr. MORSE. Very well; I yield.

Mr. CASE of South Dakota. First, let me say that I think it is recognized by all that the distinguished Senator from Oregon is not only a former teacher of law, but also is a student of law and of the Constitution. I should like to ask him several questions in regard to the constitutional questions which have been raised here.

First of all, I note that at page 36 of the bill, section 29 includes the language which customarily is referred to as the separability clause. It provides that if any subsection, sentence, clause, phrase, or individual word is held invalid, the validity of the remainder of the act is not to be affected thereby.

Under that section, does the Senator from Oregon feel that the constitutionality of the act as a whole would be protected even if the Supreme Court were to find some subsection, sentence, clause, phrase, or individual word to be invalid?

Mr. MORSE. In my opinion the answer is "Yes," with this qualification: In the interpretation of separability clauses, there are decisions which hold that if the unconstitutional part is the very essence of the bill itself—that is to say, if what is left are only inconsequential matters, and if the very heart of the bill is held unconstitutional—then, in those rare cases, the entire law falls.

But in my judgment in this particular case the doctrine of separability in relation to that clause would protect the bill, because the particular part about which questions of constitutionality have been raised could, in my judgment, be dropped out by the Supreme Court—if we were to assume that the Court were to take that position; and in a moment I shall comment on that point—and the great body of the bill would still remain, and would be sustained by the Court.

Now I wish to say that in my judgment I believe the Court would sustain the entire bill.

Mr. CASE of South Dakota. Mr. President, I appreciate that answer.

The next question I wish to address to the Senator from Oregon is this: Section 10, to which attention has been directed by reason of the possible creation of national-defense withdrawals, recalls to my mind the fact that in the organic act and compact between South Dakota and the United States, the Congress provided for the cession of jurisdiction of military reservations and Indian land. That is a part of that organic act, and it is also a part of the South Dakota constitution.

Since that cession of jurisdiction of the military reservations and the Indian reservations has never been held unconstitutional and, in fact, since many actions have been predicated upon the fact that jurisdiction was ceded thereby, is there in section 10 any provision which the Senator from Oregon believes would be inconsistent with that precedent, so to speak, of the cession of jurisdiction, inasmuch as in section 10 the area which

might be withdrawn is definitely defined?

Mr. MORSE. My answer is "No." I think the Senator from South Dakota has just made an argument by analogy that would stand the test in the Court.

I would also refer to some of the reservations which have been made in the past in regard to compacts affecting forest lands.

Mr. CASE of South Dakota. I thank the Senator from Oregon.

Mr. KEFAUVER obtained the floor.

Mr. COOPER. Mr. President, will the Senator from Tennessee yield to me? I wish to ask some questions of the Senator from Oregon before he leaves the Chamber.

Mr. KEFAUVER. Let me ask whether the questions will take a long time.

Mr. SMATHERS. Mr. President, I would ask the Senator from Tennessee to proceed, because other Senators are anxious to ask him to yield in connection with another matter; and I believe it is as urgent for us to conclude our remarks as it is for the Senator from Kentucky, for whom we have great affection.

Mr. COOPER. I appreciate that. However, I should like to ask the Senator from Oregon some questions before he leaves the Chamber.

Mr. KEFAUVER. I yield for that purpose.

Mr. COOPER. Although I wish to extend every courtesy to my friend, the Senator from Florida, nevertheless I believe it important to ask these questions in regard to the Alaskan statehood bill before the Senator from Oregon leaves the Chamber.

Mr. MORSE. Certainly we are making very important legislative history.

Mr. KEFAUVER. Mr. President, I must say that I called the Senator from Florida from another engagement. So I feel badly about detaining him for very long. However, I am sure he understands the situation. Therefore, I yield.

Mr. COOPER. Mr. President, let me say to the Senator from Tennessee that my questions will not take long. I should like to ask a question now because of the question raised by the Senator from South Dakota. I know the Senator from Oregon, being the lawyer he is, understands and distinguishes this point. The Senator from South Dakota spoke of a situation in which, I assume, at the time of the formation of the State, or in the enabling act itself, there were reserved specifically certain areas in which Federal jurisdiction would be supreme, or at least would have concurrent jurisdiction. I know that has been done, is done, and is perfectly proper.

This is the point I am making, and I have been interested in it during the debate: Section 10 does not provide for such a situation. In section 11 there is a specific provision that those areas which are reserved and designated as reserved by the United States—and I read from section 11, on page 25:

> In all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes.

On the same page the bill specifically reserves the jurisdiction of the United States, and in some cases provides for concurrent jurisdiction.

That is an entirely separate section.

Mr. MORSE. That is true.

Mr. COOPER. It seems to me section 10 deals with lands which go directly to the State. Then there is an attempt at a later time to assert jurisdiction.

As I stated earlier in the day, I am not particularly interested in the constitutional argument merely as an argument. Without question, the Court might hold section 10 to be unconstitutional and strike it down, and it could do so without affecting the entire act, under the circumstances which the Senator from Oregon has pointed out.

My interest in the question is as follows: If the Department of Defense asserts that section 10 is essential because it would enable the Department of Defense and the United States Government to have a certain facility, a holding in those lands and a reaching into those lands for the purpose of defense, and if the case of the Department is predicated upon that factor, and if it states that the defense of the United States and Alaska is predicated upon holding section 10 in the bill, my question is, If that section should not stand, what would be the position of the Department of Defense as to the security of the country?

Mr. MORSE. I wish to make two points, very quickly. I shall be very brief. I think the distinction which the Senator from Kentucky has drawn between section 10 and section 11 is a very sound distinction; but it does not follow that because in section 11 these particular areas are specifically mentioned and complete jurisdiction of the reserve is given to the Federal Government, the arrangement in section 10 would not be upheld by the Court.

I have two reasons for that statement. First, I think it can be said it amounts, in fact, to entering into a compact with Alaska at this time; that the very bill itself creates the compact; and, in connection with the other type of compact to which the Senator from South Dakota [Mr. CASE] referred, the Court would find they were sufficiently parallel to lay down the same rule of law.

I think I can hear the Court say—although we lawyers know how dangerous it always is to predict in matters such as this—that "This is a compact with a condition subsequent attached thereto, and if that condition arises, then such and such legal results will flow, and if it does not, the compact will stand as written in the bill."

I do not think section 11 in any way weakens the constitutionality of section 10 simply because in section 11 the bill specifically reserves certain sites and provides that over those sites the Federal Government shall, for all time, have jurisdiction.

The Court may prove me to be wrong, but I summarize my views by saying I think the Court can very well hold that section 11 sets up a compact with a condition precedent, which brings the Department of Defense into the picture, and if the Department of Defense thinks the land is necessary, the terms of the compact are legal and are to be sustained.

FOUR DAYS TO JULY 1

Mr. KEFAUVER. Mr. President, what the steel industry has been doing in recent years is a little difficult to reconcile with the full spirit of free competitive enterprise. In its efforts to maximize returns and guarantee itself against losses, it has constantly enlarged its unit profits. This is indicated by the following figures of United States Steel Corp. on net profits after taxes per ton of steel products shipped: During the 1940's excluding the war years United States Steel's net profits per ton averaged $6.78. In 1952 they were $6.80. Thereafter they began a steady and uninterrupted rise, reaching $9.15 by 1954, $14.56 in 1956 and $17.91 in 1957.

A firm's total profits—and this is particularly true of steel companies—are determined not only by the margin between cost and prices, but also by the level of production. Since production fell off for the industry as a whole between 1956 and 1957—the operating rate falling from 90 to 84.5 percent of capacity—some decline in steel profits was almost inevitable. What is surprising is the extent to which they have held up, despite the weakening of the market. An extreme example is the case of Jones & Laughlin Steel Corp., which, between 1956 and 1957, suffered a decline in its percent of capacity operated from 97 to 88 percent; yet its net profits after taxes actually rose from $45.1 million to $45.5 million. Youngstown Sheet and Tube had a decrease in its operating rate from 94 to 82 percent; yet its net profits remained virtually unchanged at $43.2 million in 1956 and $42.5 million in 1957. United States Steel Corp., it happens, had exactly the same operating rate in 1956 as in 1957—85.2 percent; yet its profits rose from $348 million in 1956 to $419 million in 1957—an increase of 20 percent. Bethlehem Steel Corp. had about the same operating rate in both years, 91.6 in 1956 and 93.3 in 1957; yet its net profits rose from $161.4 million in 1956 to $191.0 million in 1957—an increase of 18.3 percent.

With profits showing a substantial increase while production remained relatively unchanged—as was the case of United States Steel and Bethlehem—or showing no decline in the face of a decrease in production—as was the case of Youngstown and Jones & Laughlin—the inescapable conclusion is that the increase in prices has been substantially more than the increase in costs.

Mr. President, the steel companies would have a greater opportunity to make even more substantial profits—and I, for one, want to see them prosper—if they would follow the system which is the key to free enterprise—that is, ever-increasing efficiency, ever-increasing production, and lower unit costs. It is axiomatic that companies which reduce their prices, but increase production, may have lower unit costs, but, through increased production, can make greater overall profits. The re-

sults are good for the consumers, good for the workers, and good for industry in general. In other words, this would be a prime example that what is good for United States Steel is also good for the country.

The need for intervention by President Eisenhower and a real effort by the Federal Government to avert a steel price rise should be manifest. We are interested, Mr. President, not simply in averting a steel price increase July 1, July 7, or September 7, but also in averting in this country at this time another dose of inflation which the increase would bring about and which would be ruinous. If the Government is to act it must act before July 1. There remain only 4 more days.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am happy to yield to my distinguished colleague from Florida.

Mr. SMATHERS. Mr. President, I commend the able Senator from Tennessee for his tireless, persistent and courageous fight to try to hold the line on steel prices. I think it is to be regretted that this particular effort on the part of the Senator and his committee has not received more attention. I can think of nothing more necessitous to the strength of the economy today than what the Senator is endeavoring to do, which is to hold the price of such a basic commodity as steel. Certainly every one of us recognizes that if the steel industry raises its prices such action will react like a stone dropped into a lake. The ripples will carry clear to the shoreline. Everything thereafter will have to have a price rise. We all recognize what ruinous inflation would be brought about for our Nation.

A few days ago we passed on the floor of the Senate a bill to take the excise tax off certain freight transportation. One of the purposes of doing so was to try to help the railroads and motortrucks, so that they in turn would order more steel from the various steel companies to whom the able Senator from Tennessee has referred. From these additional orders certainly the profits should be as large as, if not larger, than previous profits.

We can certainly say there is no justification for the steel companies at this time to raise prices, particularly in light of the fact that, with our transportation system improved and strengthened, the steel industry will be the greatest beneficiary of the legislation passed by the Congress in recent weeks. Certainly the steel industry will be a greater beneficiary than any other industry.

The steel producers are leaders in our free enterprise system, so they say. The steel executives talk about that a great deal. The leaders of the steel industry say the industry must be preserved. I have heard the presidents of companies engaged in that industry speak before certain committees about the importance of not having nationalization of the transportation system, at the same time implying there should be no socialization of any industry.

The steel industry now has an opportunity to demonstrate real, constructive leadership by resisting this desire—the desire, it may be said, for a little greater profit—which if it is not resisted will result in great detriment to the entire American economy and will in time endanger the whole free-enterprise system. Therefore, if the steel industry wants to make a real contribution to the strength of our economy, and certainly the system of free enterprise, I hope the leaders of the industry will listen to the very sensible appeal being made to them by the able Senator from Tennessee who, as I said earlier, has consistently pointed out the evil which will result if in the next few days they yield to the natural desire, which we all have, to get a little bit more profit, and raise their prices. Let us hope the steel industry will heed the wise voice of the able senior Senator from Tennessee, because in so doing I think they will strengthen the steel industry over the long pull and at the same time strengthen the entire economy.

I concur with all the Senator has said and I associate myself with his remarks.

Mr. KEFAUVER. I thank the Senator from Florida very sincerely. He has made a statement which is important, which should and will be appreciated by the business people of our Nation as well as by the consumers. The Senator's statement contains good counsel to the steel companies themselves.

The Senator from Florida is known to be fair to business of all segments and to the consumers. His statement, based upon a recent study bearing upon this issue, is of great importance. The Senator has given an example of what I have been trying to stress in my statement. With the small amount of assistance which has been given to the railroads with respect to excise taxes and with the passage of the Smathers bill giving the railroads a minimum amount of assistance, the railroads ought to be able to buy substantial additional amounts of steel. However, if the price of steel goes up the railroads of course will not be able to buy so much. That will mean the steel companies will not have as much business and will not be able to operate their plants so close to capacity. Then there will continue to be a large number of people out of employment.

Mr. SYMINGTON. Mr. President, will the Senator yield to me with respect to that particular subject?

Mr. KEFAUVER. I am happy to yield to my colleague from Missouri.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the remarks of the able Senator from Tennessee and also those of my distinguished colleague from Florida.

It was not too long ago when I read some figures which indicated that for every citizen in the United States 1,250 pounds of steel were poured annually, and that the second most used metal at the time was copper, though now copper has, I believe, been passed by aluminum, and only 28 pounds of copper were produced per annum per citizen. Those figures show how important is the steel industry to the entire economy. The steel industry is the base of any industrial complex in the world today.

Mr. President, recently I read a speech delivered by the chairman of the board of the United States Steel Corp., which is by far the largest steel company in the Free World. In that speech the president of the United States Steel pointed out some of the problems of the steel industry and of the economy in general. He blamed a great deal of the troubles of the steel industry and of the economy generally on the price of labor.

I remembered, in reading the speech, however, that in the first 6 months of 1957 the steel industry made more money after taxes than ever before in its history, and it celebrated that fact by raising the price of steel for the second half of 1957 by some $6 a ton. Having remembered that, my admiration for the talk was somewhat tempered, especially with respect to the criticism of labor.

Do I correctly understand from my distinguished friend, who has done so much in this field, that it is now planned to further raise the price of steel, in spite of the present recession, much of which may well have been brought on as a result of the action of the steel industry and other large industries in 1957?

Mr. KEFAUVER. First, let me say that I am glad to have the views, and I know the public is glad to have the views, of the distinguished Senator from Missouri, who has had a great deal of business experience himself.

Some weeks ago it was rather definitely stated by the steel companies that they expected to raise prices by some amount on July 1, at which time the steel workers' contract called for an automatic increase in wages.

I am happy to report, however, that United States Steel has now taken the position it is going to look the matter over and has not made a final decision. Mr. Hood and Mr. Blough say they are not going to attempt to change prices until the situation is clarified, the timing of which they cannot foresee.

The important bearing an increase of steel prices would have upon the public, the important bearing it would have upon the economy, and the fact that it would set off another wave of inflation which would be harmful to the whole Nation, including the steel companies in the long run, has apparently caused Mr. Blough, chairman of the board, and Mr. Hood to stop, look, and listen.

I congratulate them for taking another look.

However, a few days ago it was announced by a small company, the Alan Wood Co., that it intends to raise its price. It is a small producer. It is certainly to be hoped that this is not a signal for everyone else to follow this small company. If United States Steel shows a proper regard for the economy by holding the line, and if the Bethlehem Steel Co. does likewise, we should be able to get by without an increase in the price of steel. The point of view expressed by the Senator from Missouri will be very helpful in this connection.

I wish to comment upon a question raised by the Senator from Florida [Mr.

SMATHERS] in connection with the railroads. He has fought a great fight to help the railroad industry, many segments of which are in trouble. It is a vital industry.

One trouble seems to be that the rates which the railroads have had to charge have gone up and up, of necessity, until in some places they appear to be reaching the point of diminishing return. If the price of steel is increased, a greater financial burden will be placed on the railroads, because of the cost of steel in engines, and in all the equipment they must buy. Might not that situation negate to a considerable extent the relief which Congress has afforded through the bill sponsored by the Senator from Florida, as well as the repeal of the transportation tax?

Mr. SMATHERS. I answer the question of the Senator from Tennessee in the affirmative. If the steel companies raise the price of steel, and the railroads, in turn, have to pay more for everything they use, obviously the tax benefit will disappear. Actually, the railroads did not get the tax reduction, but the fact that the transportation tax was eliminated will help them get more business. If, however, in turn, they must sustain additional expense in the operation of their business and in the purchase of new equipment, the situation is like that of the dog chasing its tail. We will have actually done very little for the railroads.

The whole transportation industry needs a breathing spell with respect to increased prices. The railroads do not like to see their costs increased. They have been forced to raise their rates to such an extent that they do not appeal to the shippers. The shippers are hunting other means of transporting their goods.

The only way the railroads can get back into business is to have some relatively fixed costs, for a little while, at least. If the steel companies increase their prices on everything the transportation system needs, we might say that the Congress has wasted its time this year in trying to help the transportation system, because it can be destroyed almost overnight by the action of the steel companies in raising prices.

Mr. KEFAUVER. I am certain that the expressions of the Senator from Florida and the Senator from Missouri will have a great impact on those who have to do with the operation of our economic system. I thank the Senator from Florida and the Senator from Missouri very much.

In conclusion, let me say that what I have been urging is that the President of the United States call in the heads of the principal steel companies, particularly United States Steel and the head of the union, Mr. McDonald, president of the United Steelworkers, and ask them, in the interest of the country, to make some concessions or postponements in order to be able to hold down the price of steel in the national interest—not merely for a week or a month, but for a long enough time to enable the Nation to get back on its feet.

I sent Mr. Blough and Mr. McDonald a telegram asking what their attitude was. The answers to my telegram appear on page 12312 of the RECORD of yesterday.

It will be seen from those answers that they do not close the door on a meeting. They do not close the door so far as concerns their willingness to make some concessions or adjustments on both sides, in order to hold the price line. Mr. Blough and Mr. Hood, of United States Steel, have postponed a decision until the situation clarifies.

Mr. McDonald, in his telegram, while saying that the last price increase was not necessary because of the wage increase, and that the proposed increase would not be necessary, says that he has been urging the President to create a top-level committee from industry and labor to consider the problems, including inflationary prices. So they both indicate a willingness to cooperate. I hope that in the interest of some permanent holding of the line the President will act while there is still time.

I shall have more to say in a statement tomorrow, in the event the Senate is not in session, through the mediums of communication, with reference to these telegrams, and the fact that, impliedly, at least, those who wrote them indicate a willingness to meet for the purpose I have been discussing.

This is important. We cannot stand another round of inflation. We have an opportunity to pull out of the recession if we can hold the line. Holding the price line in steel, as has been pointed out, is essential, for steel is the chief regulator of our entire economy.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. SYMINGTON. It is my conviction that making Alaska a State will strengthen our national defense.

Apart from other reasons which cause me to favor statehood for Alaska, it will increase our Nation's security.

Certainly there could be no difference of opinion among any of us as to the importance of bolstering our defenses, in the world we face today.

There are—as we all know—differences of opinion as to how our national defense should be strengthened—the size of our military budget, and how that budget shall be expended.

But admitting Alaska to statehood will involve no budgetary problem. In fact, granting Alaska statehood will have the unique advantage of strengthening our national defense without additional expenditure.

There is no disagreement among our military experts about the value of Alaskan statehood to our national defense. In fact, there is unanimity among them on this subject.

Statehood for Alaska is supported by President Eisenhower, Commander in Chief of our Armed Forces.

Statehood for Alaska is also supported by Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff.

General Twining is uniquely qualified to speak on Alaska's value to national defense, having served as commander in chief of the Alaskan Command from 1947 to 1950.

It was during this period that the cold war was gathering headway, and the great danger to our Nation from a potential aggressor just across Bering Strait was beginning to be more fully appreciated.

Testifying before the Senate and House committees holding hearings on the bill now before us, General Twining said:

> As students of the history of bills favoring statehood for Alaska are aware, I testified in 1950 that I, personally, was in favor of statehood.
>
> At that time, I was commander in chief of the Alaskan Command, and I spoke on the general proposition of statehood, as distinct from the provisions of any Alaskan bill as such.
>
> My personal views that statehood should be granted when the time was ripe have never changed. I am happy, therefore, to be able to say, in my official capacity, in this month of March 1957 that, in my opinion, the time is ripe for Alaska to become a State.

As we go back to the previous hearings on Alaskan statehood, we find unvarying testimony of the military experts who appeared before our committees in favor of statehood. None took a contrary view.

In World War II Secretary Patterson was successively Assistant Secretary of War, Under Secretary of War, and Secretary of War. In these three executive positions, he served from July 31, 1940, until after the termination of World War II and well into the beginnings of the cold war.

Judge Patterson felt so strongly the value of Alaskan statehood to the national defense, that, after returning to private life he communicated directly with the chairman of the Senate Committee on Interior and Insular Affairs, the distinguished junior Senator from Wyoming [Mr. O'MAHONEY], who was conducting hearings on Alaskan statehood.

This is what Judge Patterson wrote:

> I strongly support the passage of the Alaska statehood bill.

Judge Patterson continued in part:

> I am thinking back to those anxious days in 1942, 8 years ago, when the Japanese threat to Alaska was one of our gravest concerns. We had lost command of the Pacific for the time being. Our route to Alaska by sea—and we then had no other access—was uncertain.
>
> The Japanese had seized Attu and Kiska in the Aleutians, and no one knew what they would try next. * * *
>
> It was brought home to me at the time that our chief difficulty in defending Alaska was the problem of supplying military forces there. It would do no good to place troops there if they could not be maintained, kept equipped, and moved from place to place. A solution to supply problems in Alaska was the key to success in defense of the United States against attack from the northwest.
>
> Alaska was not lacking or deficient in most of the raw materials needed for supply of military forces. It had timber, minerals, petroleum. What was lacking, what was deficient, was the population to develop the available resources. The Territory was so thinly peopled that the resources in the soil could not be converted into useful products save on the most meager basis.
>
> Five years later, in 1947, the War Department made an intensive study of Alaska defense under cold war conditions. There

was general agreement that the defense of Alaska was vital to the defense of the United States. * * *

What was true in 1942 and 1947, is true in 1950.

Let me interject it is even more true in 1958.

A final quotation from Secretary Patterson:

The granting of statehood to Alaska, I am certain, will stimulate the growth of population, will promote utilization of resources, and will strengthen the national defense.

Other outstanding military figures who endorsed Alaskan statehood were General of the Army Douglas MacArthur, Fleet Adm. Chester Nimitz, and Gen. H. H. (Hap) Arnold; the first two were the two great leaders on land and sea of our victory in the Pacific.

Again, statehood for Alaska is approved, endorsed, and urged by every military leader, including the present Commander in Chief of our Armed Forces.

We have military bases all over the world, built at great cost. They are calculated risks we have felt it necessary to take.

How certain are we that those bases on foreign soil are completely secure against changes of government?

How sure are we that they may not be built on the quicksands of internal revolt, incited uprising, sabotage, subversion, and intrigue? There is evidence thereof in the Middle East right now, and, I may add, in other parts of the world also.

But what we build in Alaska is on our own American soil.

What we build in Alaska is built in the midst of American citizenry.

What we build in Alaska is founded on a bedrock of loyalty and patriotism.

It is my opinion that the admission of Alaska to statehood is in the interest of the security of the United States.

Mr. LONG. Mr. President, those colleagues who preceded me in speaking for the pending bill have given many compelling reasons why Alaska should become a State. Those reasons have impressed me and I certainly share the views of those who gave them utterance.

Therefore, Mr. President, in the interest of conserving the time of this body, I shall confine my remarks to the paramount reason I shall vote for this bill: Briefly, that reason is my deep conviction that its passage is vital to the best interests of the United States. This includes, certainly, the States of my native Southland.

I am, of course, aware that this latter belief is not universally held by my southern colleagues. Those who oppose Alaska's admission do so, I am sure, because of honestly held convictions that are contrary to my own. These colleagues also seek the best interests of the Nation, and, for that reason, I am hopeful that the facts brought out in this debate will enable many of them conscientiously to cast their votes to create the 49th State and thus help the United States become physically and spiritually a bigger, finer Nation.

That Alaska, the State, would make us a bigger, stronger Nation in a physical sense would appear hardly open to question. The indissoluble bonds of statehood would expand the size of the United States proper by 20 percent—for the land area of Alaska is greater than the combined areas of our three largest States of Texas, California, and Montana. It is more than 12 times the size of my home State of Louisiana.

Under statehood the Nation's sinews will be substantially strengthened by the development of this huge storehouse of natural resources—resources which, for the most part, have lain wastefully dormant for almost 100 years because of the limiting restrictions of territorialism and Federal ownership of 99 percent of this immense area.

Alaska contains, for example, more standing softwood timber than do the 48 States combined and, properly utilized on a continuing yield basis, it is estimated that she, alone, could supply the pulpwood needs of almost half of the Nation.

Alaska contains 31 of the 33 minerals on our critical materials list. In addition to those which are already known, vast deposits of petroleum, natural gas, and other precious minerals are believed to be awaiting only unhampered geological survey; and her swift, unharnessed rivers cry out for hydroelectric development.

These and many other resources will blossom into usefulness to the entire Nation—just as they have in every new American State—as soon as the shackles of territorialism have been stricken from the limbs of this fettered giant.

With the coming of statehood, Alaska will attract tens of thousands of young, eager, energetic Americans who will soon transform this vast underdeveloped land into a robust, productive, and useful member of our family of States. But, Mr. President, it requires no crystal gazer to envision those developments; the blueprint for them is recorded in our past history:

California, when it became a State in 1850, had a population of 92,597; a decade later it contained 379,994 persons. In the census taken immediately prior to its admission, Washington Territory contained 75,116 people; 11 years after admission, the State of Washington's population had grown to 518,103. My own State's population more than doubled in the first 10 years of statehood despite the handicaps of language barriers, inadequate transportation and the intervening War of 1812.

These universal growth patterns following admission are available to anyone who will examine the census records. There is a unanimity to the pattern which will enable anyone to safely predict that Alaska, under statehood, will grow rapidly and become a great State. For, as Secretary of the Interior Seaton phrased it so well: "Statehood has never been a failure."

The fact that the development of Alaska's virtually untapped resources will enrich and strengthen the entire Nation, it would seem to me that on those grounds alone our own self-interests should entitle this bill to our enthusiastic support.

Mr. President, as each of us knows, the present century has seen, and will continue to see, a worldwide struggle in which more than half of our globe's peoples have been shaking off the chains of colonialism, and despotism, in an effort to acquire dignity and the equality of opportunity that are the rightful entitlements of all men.

If our own free democratic society is to survive, it will do so because we have convinced these newly emancipated peoples that they can better achieve their desired ends by adopting the political philosophies of the world's free peoples than by following the methods of communism.

And how will they judge our methods? Will it be by what we say we stand for or by what we show in our actions to be our true philosophy of government and of life?

Every Member of the Senate would be willing to literally lay down his life to thwart any attempt to deny to his State representation in the Congress, and to the people of his State, their God-given entitlement to themselves select the men who will govern them and administer justice for them.

If we of the Congress would look upon these hypothetical invasions of our fundamental rights as tyranny, are such acts any less tyrannical because they are inflicted upon another group of Americans 3,000 miles removed from Washington?

The men who founded our Republic certainly considered these to be acts of tyranny; we would ourselves so brand them were they visited upon us; and you may be sure that Americans in Alaska and the thinking people of the world so consider them to be today.

Ever since I first became interested in the Territories quest for statehood, I have marveled at the remarkable patience and patriotism of the people of Alaska and Hawaii in the face of inequalities, injustices, and unkept pledges. But how long can we expect even exemplary patience to last?

Mr. President, as most of our presences here attest—for almost three-fourths of us are from States that were added to the original 13—our Founding Fathers not only cherished freedom themselves, they earnestly desired to share it. For they fully understood that God has reserved the supreme enjoyment of His most precious gifts for those who share them with others.

Thus it was, Mr. President, that our infant Nation in its first acquisition of other lands and peoples incorporated this philosophy into the Treaty of Cession with Napoleon. Permit me to refresh our memories on the Louisiana Purchase, article III of which reads as follows:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible * * * to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

That this language constituted an unequivocal pledge of statehood for the inhabitants of the ceded territory was never seriously questioned.

How else, indeed, could such a specific pledge have been interpreted? For until

statehood came, American territorials—then as now—were without these fundamental rights of American citizens: they were without voting representation in the Congress; they could not choose their own governors and judiciary, all of whom then—as now—were the arbitrary political appointees of a President the people had no voice in selecting. Then—as now—their equality of citizenship consisted of the right to pay the same taxes the Federal Government imposed upon citizens resident in its member States.

When the Louisiana Purchase Treaty came before the Senate for ratification, the bitterest attacks upon it were made by those who objected to the clear-cut promise of statehood made by article III. It was Senator Breckenridge of Kentucky who best expressed the sentiment of the favoring majority; in part, he said:

> Is the goddess of liberty restrained by water courses? Is she governed by geographical limits? Is her dominion on this continent confined to the east side of the Mississippi? So far from believing in the doctrine that a republic ought to be confined within narrow limits, I believe, on the contrary, that the more extensive its dominion, the more safe and more durable it will be.
>
> In proportion to the number of hands you entrust the precious blessings of a free government to, in the same proportion do you multiply the chances for their preservation. I entertain, therefore, no fears for the Union, on account of its extent.

After ratification of the Louisiana Purchase Treaty, only one part of this immense area possessed sufficient population to make it an early candidate for statehood: the area then known as Orleans Territory and now the State of Louisiana.

Significantly indicative of the interpretation our new fellow Americans in the Louisiana Territory placed upon article III is this fact: Fourteen months following ratification of the treaty, a delegation of Louisianians from the Orleans Territory were in Washington petitioning the Congress to make good the pledge expressed in the treaty.

This delegation consisted of Messrs. Pierre Derbigny, a prominent New Orleans scientist, and Jean Noel Destrehan and Pierre Sauve, planters.

An article in the initial volume—No. 1, volume 1—of the Louisiana Historical Quarterly from which the foregoing information was gleaned, concludes with this significant statement:

> Derbigny, Destrehan, and Sauve had not made their journey in vain, for although it was to be several years before the Orleans Territory entered the Union as a State, the memorialists had obtained a promise of admission upon the fulfillment of certain definite conditions.

Admission became an accomplished fact in 1812—only 9 years following ratification of the Treaty of Cession.

Mr. President, the examples cited are, I believe, a reasonable representation of the veneration our early predecessors in the Congress had for our Nation's pledged word. Too, I believe it also presents a fair picture of their thinking on the expansion of our Union; most of them, obviously, believed that we could best preserve our freedom by sharing it with those who had demonstrated a desire and a capacity for it.

Here, Mr. President, is the language of article III of the Treaty of Cession with Russia by which we acquired Alaska in 1867:

> The inhabitants of the ceded territory * * * shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

As with the Louisiana Purchase Treaty, there is no equivocation of language here; it makes the same pledge in almost identical language—and that pledge is statehood. For only through statehood can we confer on a people "all the rights, advantages, and immunities of citizens of the United States."

It is, I believe, to our great discredit that we have permitted the passage of almost a hundred years—and of three generations of Alaskans—with that solemn promise still unfulfilled.

Mr. President, I am persuaded that those earlier statesmen who occupied this Chamber, and, who so promptly redeemed the pledge of statehood given Louisiana, would not have accepted as valid the reasons that have been given for denying statehood to Alaska for 91 years.

Noncontiguity? If in horse-and-buggy 1867 Alaska's noncontiguity was not considered a barrier to eventual statehood by the men of this and the other body who endorsed the treaty with its specific pledge of statehood, does it not appear to the world as an incongruity for us to use noncontiguity as an excuse for further delay in this day of fast ships, planes, and a through highway to Alaska?

Population? It is estimated that the 1960 census will show Alaska to possess a population in excess of a quarter million. When my own State was admitted in 1812, it had a total population of 75,556 persons, more than half of whom were slaves and Indians. And as for the other half, most of them could not even speak the English language.

So, my colleagues, let us be done with delay and injustice; with being cast in a role as regards Alaska that can only reflect discredit upon us and upon our Nation.

Statehood bills have been before every postwar Congress; the amount of time they have consumed has been enormous. Yet, as surely as there will be an 86th Congress, each of us knows that unless we pass this bill it will reappear again next year, and each year thereafter, until the Congress redeems our Nation's pledge. Those of us who feel deeply about this injustice will see to that.

Perhaps in the opinion of some, the bill before us is not perfect. Few bills are. Doubtless it could in some respects be improved upon. But, Mr. President, to do so would, as everyone knows, again place the measure in jeopardy when it would go before the other Chamber. Therefore, Mr. President, with every ounce of earnestness at my command, permit me to urge not only prompt passage, but that the bill should not be amended in the Senate.

Mr. President, if by our actions we make possible the creation of the 49th State, we have more than the inner satisfaction which comes from knowing that we have helped right a wrong of long standing. We will have demonstrated to the world that ours is still a young and growing Nation whose continuing growth is fed neither by conquest, intimidation, nor subversion, but rather is the result of voluntary union by peoples who share a common heritage and a common political philosophy.

When Alaska thus becomes our 49th State—I am confident that each of us whose vote and actions helped bring it into being will be pleased and proud of his handiwork, so long as he shall live. For with all my heart I share the convictions of those who believe that Alaska's admission will make these, our United States, a finer, freer, happier, and safer place for ourselves and for our posterity.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. KEFAUVER. I have heard a great many speeches on Alaskan statehood, but the brief address of the Senator from Louisiana is one of the strongest and most appealing and impressive arguments I have ever listened to on this subject. He has stated his convictions from his heart in forceful language. I congratulate him on it.

Mr. LONG. I thank the Senator very much.

I have always regarded myself as a States righter. I believe in the right of the people to make their own decisions and to govern themselves. Many of my colleagues claim equally to be believers in States rights.

I myself do not see how anyone who claims the privilege of States rights for himself and those whom he represents can consistently and repeatedly, over a long period of time, insist on denying to others, who are equally good American citizens, the rights which he so strongly insists that his own people should have.

Therefore, I believe that we who believe in States rights, if we want to be consistent and true to our beliefs, should also favor statehood, because without statehood I am at a loss to see how States rights could exist.

Mr. KEFAUVER. In my opinion, there is much logic in the statement of the Senator from Louisiana.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOUGLAS. I join with the Senator from Louisiana in expressing pleasure at the votes this afternoon on the question of the admission of Alaska to statehood. The size of the majority in each case indicates clearly, I think, that soon we shall be a Nation of 49 States. I commend the Senator from Louisiana for the very broad, statesmanlike attitude which he has taken.

Although I do not wish to introduce a discordant note into the happy harmony, I may say that, if I were to consider simply the narrow and short-run interests of my State, I probably would have voted against the admission of Alaska, because

the admission of Alaska will still further increase the power of the small States in this body.

I think the power of the small States in the Senate is already excessive, and that we of the large States suffer very much from the fact that, although the 8 largest States have 40 percent of the population of the country, we have only one-sixth of the representation in the Senate, whereas the 8 smallest States with less than 4 percent of the population have 16 Senators. We pay the price for this in many respects.

Nevertheless, I think it is in the national interest that Alaska be admitted to the Union both on the ground of defense and citizenship. Since I believe that we are, first of all, representatives of the United States, and only secondarily representatives of the individual and specific States, I was happy to vote as I did this afternoon, and I shall continue to vote in this way in the rollcalls which are still to take place.

I wish, however, to offer a word of admonition to the advocates of Alaska statehood: Please do not push the big States too far. I think it is well to remember those lines from Measure for Measure:

> O, it is excellent to have a giant's strength; but it is tyrannous to use it like a giant.

So I hope that, when Alaska enters the Union, she will not use the great political power which we give her to make the citizens of the big States pay through the nose for uneconomical expenditures and appropriations.

I have my doubts, however, as to whether any group of Senators or Representatives can resist the local pressures which will inevitably be turned loose upon them. But despite the real fears which I have, I nevertheless think it is in the national interest that Alaska be admitted to the Union.

I can only hope that the representatives from Alaska and from the other small States, populationwise throughout the country, will similarly put the national interest first, and will not constantly ask us to be on the giving end, while they remain constantly on the receiving end.

Perhaps I should not have said this. Perhaps I have furnished arguments for the opposition. Nevertheless, I voted this afternoon from a real sense of conviction. I intend to keep to that course to the very end.

Mr. LONG. I express the conviction—and I believe it will be proved to be correct—that eventually Alaska will be one of the large States of the Nation, not only with respect to size, but with regard to population.

Of this much I am certain: There can be very little growth of that vast Territory under the kind of government from which that area suffers and has suffered. Not only the area, but the individuals themselves have been very much neglected.

I believe it is quite possible that Alaska, like California, may become one of the great States of the Nation, rather than one of the small ones.

Mr. DOUGLAS. I hope that may be so.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CARROLL. I could not help overhearing the remarks of the distinguished Senator from Illinois. It is entirely possible that if Alaska becomes a State and sends the proper Senators, they will accept leadership.

I think Illinois will not have only 2 Senators; in fact, it does not have only 2 now, because the junior Senator from Colorado votes most of the time with the senior Senator from Illinois. The Senators from Alaska, I feel certain, will do likewise. While it is true that under the Constitution Illinois has only two Senators, she in fact has many Senators under the able leadership of the distinguished senior Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Colorado. In practically all matters our two hearts beat together, and we move in parallel courses.

Nevertheless, I think it is proper for those of us from States which have a preponderance of the population and the economic resources of the country, but which are nevertheless really in a submerged and almost conquered status, so far as this body is concerned, to utter our words of warning, even as we dutifully sacrifice our individual interests on the altar of the national interest, and to ask in return that others do likewise.

Mr. LONG. The great State of Illinois has representation far in excess of the average State in the Union. In fact, time and again I have gained the impression that a great portion—perhaps half—of the liberal leadership in the Senate is supplied by the senior Senator from Illinois; and in many instances, perhaps more than half of the conservative leadership is supplied by the junior Senator from Illinois [Mr. DIRKSEN]. Therefore, it seems to me that the great State of Illinois oftentimes leads the way on both lines of thought.

Mr. DIRKSEN. I accept the plaudit.

Mr. DOUGLAS. My colleague on the other side of the aisle is certainly a very able Senator. But when the roll is called, Illinois has only 2 votes, whereas Nevada, with a population, I believe, of 150,000 at present, also has 2 votes.

We know we cannot change this system of the equal representation of the States, because it is riveted into the Constitution. It is the one feature of the Constitution which cannot be changed. It is the price which had to be paid for union.

I am ready to dilute still further the little power we have, but I ask in return that the smaller States remember the sacrifices which we are making and that they do not push us too far.

Mr. CARROLL. Mr. President, will the Senator further yield?

Mr. LONG. I yield.

Mr. CARROLL. I think it is true that the big States have been very helpful in developing the West; but some of the States in the West—this is not true of Illinois—have been looked upon as colonies. Alfalfa Bill Murray, of Oklahoma, it was said, at one time looked upon the domestic scene as a giant cow, with its mouth feeding in the West, while the milk bag was in New York—not Illinois. I am certain that if that was true then, it is not quite so evident now.

If we appreciate the support which we have had for the development of the West, and we now give that support to Alaska, which is one of the last great frontier areas, then Alaska will make its contribution to Illinois and New York and to all the great financial centers of the Nation.

Mr. DOUGLAS. I do not wish to prolong the discussion; indeed, I had not expected that it would take the course which it has.

I have never personally been on the hind end of that cow which my good friend from Colorado mentioned. I had never noticed, however, when bills for irrigation, for waterpower development, for rivers and harbors, and other appropriations were considered, that the West was being milked by the big industrial States. On the contrary, it has been my distinct impression that the milking was the other way. While we are very happy to do the best we can to develop the West, we ask that not too much of our money be invested in projects which are not economic in nature.

Mr. CARROLL. Even a cow has to have its circulatory system bolstered.

Mr. DOUGLAS. I say to my good friend from the West that the States of the West have been given ample provender at public expense for a long period of time.

Furthermore, I wish to say to my good friends from the Tennessee Valley—and I see my dear friend, the senior Senator from Tennessee [Mr. KEFAUVER], in the Chamber—that I have voted, I believe, every time for the appropriations for the TVA, and have helped build up the TVA; and yet we see industries pass over Illinois and settle in the Tennessee Valley region because of the lower power costs for which we have voted.

I think I shall continue to support the TVA, because I believe it is good for the Nation—although not particularly good for my State of Illinois. But I merely say to our friends that if we support them, they should have some realization of our difficulties. There must be some reciprocity to this business.

Mr. LONG. Mr. President, I was pleased to see the Senate pass—and I certainly voted for it—the proposal to develop, at the expense of the Federal Government, the channels of the Great Lakes, so the great city of Chicago could become a port of call to oceangoing shipping. I want the Senator from Illinois to know that it was against my judgment that tolls were imposed on the St. Lawrence Seaway. If he ever wants tolls to be removed from the St. Lawrence Seaway, I expect to vote for that.

So we have several prospects of letting the Senator from Illinois know that we want the great State of Illinois to grow and prosper, just as we want Louisiana to grow and prosper.

Mr. DOUGLAS. Mr. President, our big problem, in the case of the great metropolitan centers, is the rotting away of the districts which radiate out from the centers of our cities and the consequent creation of slums. We are losing

our tax base because of the migration of people and industries to the suburbs. We need urban renewal.

When the housing bill comes before the Senate, I hope our friends who represent other regions which we have helped will, in turn, realize our necessities and will help us to eliminate the slums, which are our esthetic, hygienic, and moral blight.

Mr. CARROLL. Mr. President, if the Senator will yield again to me, let me say that the Senator from Illinois has made a fine point in regard to the help the great cities need; and we should give it to them.

Mr. LONG. Mr. President, I yield the floor.

ORDER FOR RECESS TO MONDAY AT 11 A. M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the agreement entered into earlier today—namely, to have the Senate meet at 10 a. m. tomorrow—be vacated.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that when the Senate concludes its session today, it stand in recess until Monday, at 11 a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I should like to make a brief announcement: It is the hope of the leadership that on Monday, immediately following the morning hour, the Senate will have before it the second of the points of order made by the distinguished senior Senator from Mississippi [Mr. EASTLAND], so it can debate that point of order, and can dispose of it shortly, I hope.

It is my understanding that the Senator from Mississippi has agreed not to offer the third point of order.

It is my further understanding that at the present time there is at the desk an amendment by the Senator from South Carolina [Mr. THURMOND].

To the best of my knowledge, no other amendment and no other points of order have been submitted to date.

We can expect the session on Monday to continue until a late hour; and we can expect the session on Tuesday to begin a little earlier.

It is the hope of the leadership that action on the Alaskan statehood bill can be concluded on either Monday, Tuesday, Wednesday, Thursday, or, if necessary, even beyond that, because it is the intention to continue with consideration of the bill until a decision on it is reached.

Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

MUTUAL SECURITY ACT OF 1958—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12181) to amend further the Mutual Security Act of 1954, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of June 27, 1958, pp. 12504–12513, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. GREEN obtained the floor.

Mr. DIRKSEN. Mr. President, will the Senator from Rhode Island yield to me?

Mr. GREEN. I yield.

Mr. DIRKSEN. I understand that the report is a unanimous one.

Mr. GREEN. That is correct.

Mr. DIRKSEN. I also understand that the report has been agreed to by the House of Representatives.

Mr. GREEN. That is also correct.

Mr. President, the House of Representatives has approved the conference report which now is before the Senate. The report also has the unanimous approval of the Senate conferees.

I think it is probably correct for me to say that no individual conferee is entirely satisfied with everything contained in the final draft of the bill. But at the same time, I think all of them agree that the conference agreement is a fair compromise of conflicting and strongly held views.

The House had authorized a total of $2,958,900,000; the Senate a total of $3,068,900,000. The conference report carries a total of $3,031,400,000, an amount precisely half way in between. This may prove deceptive, however. In regard to individual items, the Senate had authorized less than the House in some cases, and more than the House in others. With respect to all items except administrative expenses, the conference report figures are more nearly those of the Senate than those of the House.

Mr. President, I ask unanimous consent that a table showing the figures in detail be printed in the RECORD, as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Mutual security authorizations, fiscal year 1959

[In thousands]

		Administration request	House amounts	Senate amendment	Conference agreement
Sec. 103 (a).	Military assistance	$1,800,000	$1,640,000	$2,400,000	$1,605,000
Sec. 131 (b).	Defense support	835,000	775,000		810,000
Sec. 304.	Bilateral technical cooperation	142,000	150,000	150,000	150,000
Sec. 306 (a).	United Nations technical cooperation	20,000	20,000	20,000	20,000
Sec. 306 (b).	OAS technical cooperation	1,500	1,500	1,500	1,500
Sec. 400 (a).	Special assistance	212,000	185,000	212,000	202,500
Sec. 405 (c).	U. N. High Commissioner for Refugees	1,200	1,200	1,200	1,200
Sec. 405 (d).	Escapees	8,600	8,600	8,600	8,600
Sec. 406.	U. N. Children's Fund	11,000	11,000	11,000	11,000
Sec. 407.	Palestine refugees	25,000	25,000	25,000	25,000
Sec. 408.	NATO civilian expenses				
Sec. 409 (c).	Ocean freight	2,100	2,100	2,100	2,100
Sec. 410.	Control Act expenses	1,000	1,000	1,000	1,000
Sec. 411 (b).	ICA administrative expenses	33,000	33,000	31,000	33,000
Sec. 419 (a).	Atoms for Peace	5,500	5,500	5,500	5,500
Sec. 451 (b).	Contingency fund	200,000	100,000	200,000	155,000
	Total	3,297,900	2,958,900	3,068,900	3,031,400

NOTE.—Section numbers refer to Mutual Security Act as amended by H. R. 12181.

Mr. GREEN. Mr. President, I shall not take the time of the Senate to outline all the changes made by the conference committee in the bill as it passed the Senate. However, I do want to comment briefly on two points which are of more than ordinary importance.

First, it will be recalled that the Senate version of the bill contained a policy statement which recognized the importance of Indian economic development, and expressed the sense of the Congress that it would be in the national interest to join with other nations in helping India make her economic development program a success. The Senate rejected, by a vote of 35 to 47, an amendment to strike this section from the bill. On the other hand, the House conferees felt strongly that individual countries should not be named in the act, and argued further that this particular section had not been considered by the House. The Senate conferees therefore agreed to recede. However, it was the opinion of most of the conferees on both sides that Indian economic development is of the utmost importance, and that the act should be administered in a manner which recognizes this fact.

The second point deals with the question of what, if any, provision should be made as to the impact of the mutual security program upon the domestic economy of the United States. The Senate version of the bill contained a section known as the "Payne amendment," after its original sponsor, the distinguished junior Senator from Maine. This amendment prohibited the use of specified International Cooperation Administration funds for offshore commodity procurement, except that if the President made certain determinations, then up to half of the funds could be so used. The House version of the bill contained no provision exactly comparable. It provided, instead, simply for an annual review of the problem by a Cabinet committee.

The Senate version of the bill also contained a provision, which had been of-

fered on the floor by the distinguished junior Senator from New York [Mr. JAVITS], which directed the Department of State and the Department of Commerce to make a study of ways and means to utilize more effectively private enterprise in achieving the objectives of the program. The conferees broadened the provision regarding this study to include ways and means of protecting private enterprise, so as to stabilize and expand the domestic economy and to prevent adverse effects.

At the same time, the conferees struck out the other provisions of both the Senate and the House versions of the bill. In all candor, I must say that personally I am not satisfied with the action of the conference committee on this point. I voted against it in the conference, but I found myself in the minority.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a more detailed statement of the differences between the two Houses.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GREEN

Aside from the points covered above, the conference report differs from the Senate bill in these major respects:

United Nations technical assistance program: The Senate bill left unchanged the requirements of existing law providing a sliding scale by which the United States contribution would be reduced to 33.33 percent by 1960. The House bill substituted a flat, permanent ceiling of 40 percent. After considerable discussion, the conferees agreed to the House provision, with minor modifications in language. A case can be made for a reduction to 33.33 percent by 1960 but this is perhaps too precipitous in view of the new responsibilities which the United Nations is undertaking in connection with the special projects fund created by the last General Assembly. At the same time, it should be emphasized that the 40 percent figure in the conference bill is a ceiling and is not to be taken as an indication that a 40 percent contribution is authorized annually for the indefinite future. I also call attention to the fact that this figure itself is a reduction from the 45 percent which the United States is contributing this year.

Palestine refugees: Both House and Senate authorized appropriation of $25 million for contributions to the U. N. Relief and Works Agency. The Senate earmarked $5 million of this amount for use only for repatriation or resettlement of the refugees. The conference agreement earmarks 15 percent of the amount of whatever may be appropriated.

Malaria eradication: The House bill contained an authorization for the Development Loan Fund to be used for this purpose. The Senate bill did not. The conference report follows the House version with language making it perfectly clear that when the Development Loan Fund is so used, it must be in accordance with the provisions governing the Fund—that is, on the basis of repayment.

It was the consensus of the conferees that in these and other health programs the administration should consider ways of deriving psychological benefits from the use of effective medicines of American origin.

Congressional use of foreign currencies: The conference report follows the language of the Senate bill with one exception. The Senate bill required publication of itemized expenditures of each committee and also of each committee member or employee. The conference bill requires publication only of the itemized expenditures of each committee and subcommittee. Although this does not go so far as some Members would like, it is a real step forward. Nor is it necessarily the final step. The Foreign Relations Committee intends to give further attention not only to the problem of Congressional use of foreign currencies but also to the use of dollars for Congressional travel.

Completion of plans and cost estimates: The House bill contained a provision, which was not in the Senate bill, prohibiting obligation of certain ICA funds until the completion of reasonably firm estimates of the cost of the project to the United States, and until foreign legislative approval in 1 year can reasonably be anticipated in cases where such approval is required. The substance of this provision remains in the conference report with two changes: (1) It is made applicable only to obligations in excess of $100,000; and (2) funds which are obligated under the section may be deobligated and used for other purposes.

Definition of value: The Senate bill contained a section, offered on the floor by the distinguished senior Senator from Louisiana [Mr. ELLENDER], redefining "value" for purposes of transfer of military equipment from the Army, Navy, or Air Force to the military assistance program. On further study of this very complex subject the conferees concluded that the present definition of "value" in the law is sound. Therefore, this amendment was omitted from the conference report. However, the Foreign Relations Committee intends to give further attention to the implementation of the valuation provision by the executive branch.

International Labor Organization: Both Senate and House placed a ceiling of 25 percent on United States contributions to the International Labor Organization. The Senate, in addition, placed a ceiling of $2 million a year. The conference report follows the House bill.

Acceptance of foreign offices by military personnel: The Senate bill contained a provision repealing authority now contained in section 712 (b) of title 10 of the United States Code for members of the military services detailed to certain foreign governments to accept offices, compensation, and emoluments from those governments. Under the conference report, a member so detailed may continue to accept offices, with the prior approval of the Secretary of the military department concerned. However, he may not accept emoluments or compensation. The conferees were impressed with the argument that in a limited number of cases it may well be in the interest of the United States for an American military officer to be given a simulated rank. The conferees do not expect this authority to be used often.

Military assistance to Latin America: A final word needs to be said about military assistance to Latin America. The existing law requires such assistance to be in accordance, and I quote, "with defense plans which shall have been found by the President to require the recipient nation to participate in missions important to the defense of the Western Hemisphere." The Senate bill required the President annually to review such findings and to determine whether military assistance is necessary. The Senate bill also provided that internal security requirements "shall not normally be the basis for military assistance programs to American Republics." There were no comparable provisions in the House bill. The Senate version remains unchanged in the conference report. This language is something more than simply a restatement of existing law. Under existing law, for example, military aid may be furnished for the purpose of internal security if this is one of the purposes included in defense plans as important to the defense of the Western Hemisphere. Under the new language, military aid may not, except in extraordinary circumstances, be furnished for internal security even if such a purpose is included in defense plans.

There were also a number of minor changes which the conferees agreed upon which were of a noncontroversial nature.

Mr. GREEN. Mr. President, I ask for a vote on the conference report.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the RECORD, before the vote on the conference report, a statement which I have prepared.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

I regret very much that the authorizations in the mutual security bill voted by the Senate were reduced in conference.

I am particularly glad that the authorization for the Development Loan Fund was maintained. It is my view that through asserting the economic development of other countries—helping them in their efforts to raise their standards of living—and thus help them to maintain freedom and sovereignty will, in the long run, serve our national interests, our humanitarian purpose, and friendly and struggling people throughout the world.

I am disappointed that the policy statement relating to India was stricken from the bill in conference.

The provision stated the sense of the Senate that the United States should assist India to attain its current economic objectives, as important in the peace and our national security.

Yet the fact that the resolution, which Senator KENNEDY, of Massachusetts, and I introduced was adopted without dissent from the Foreign Relations Committee, and after full debate in the Senate, was passed by the Senate, gives proof of the sentiment and the support of the Senate, more closely connected with the conduct of foreign policy than the House, toward India.

I understand that the position of the House was based on the thesis that one country should not be singled out and not because of any disapproval of the purposes or objectives of the policy statement regarding India.

I am particularly glad that the distinguished chairman of the Senate Foreign Relations Committee [Senator GREEN] had just stated that it was the sense of the majority of the conferees that they were in sympathy with the purposes of their policy statement.

He has further stated that he believes the purposes of the resolution should be taken into account by the executive department.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be printed in the RECORD, prior to the vote on the conference report, at the request of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. HUMPHREY], statements prepared by them on the conference report.

There being no objection the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNEDY

As the sponsor of the two amendments which received the most intensive debate during the Senate's consideration of the

Mutual Security Act, I should like to make a very brief statement.

The first of these amendments, to modify the Battle Act, was defeated by one vote because the administration withdrew the support that had been freely given during the weeks preceding the debate. I shall not now renew a discussion of this episode, since the amendment did not reach the House-Senate conference. I would only suggest that recent events in East Europe—the execution of Nagy and Maleter, the new Soviet economic and political pressure on Yugoslavia, the pressure now being exerted to narrow the range of freedom in Poland, and the Polish reaction to the Hungarian executions—all demonstrate the opportunities which a more flexible United States foreign policy might exploit to crack the Iron Curtain. We should be ready to move in Eastern Europe with a concrete program—but we are not ready. We are apparently ready only to pass unanimous resolutions of condemnation. The events of recent weeks make it all the more tragic that the flexibility contemplated in the revision of the Battle Act was undercut on partisan political grounds so as to further inhibit the President's freedom of action.

About the second amendment—the resolution stating United States interest in the success of the Indian 5-year plan and encouraging greater Free World association in its support—I should like to say a special word.

I regret that the House conferees did not accept this amendment. I believe this was a serious error. Together with my colleagues on the Senate Foreign Relations Committee I cannot accept the House view that there are adequate provisions regarding India in the legislation itself. However, I realize that this was a matter which was not considered either in committee or on the floor in the House. Without such clear guidance it was obviously difficult for the House managers to accept the amendment in the policy section of the bill. I am confident that it was the inability of the House of Representatives to deliberate on the question rather than an opposition to the sense of the resolution which forced the elimination of the India section from the final draft of the Mutual Security Act of 1958.

What is important is that the Senate Foreign Relations Committee unanimously and the Senate by majority vote did approve this section, which Senator COOPER and I introduced, after vigorous and full debate. The sense of the Senate was clear and was reached after a full canvass of the situation in India. I hope that the administration will not fail to echo the Senate's action.

No one who has recently examined the state of affairs in India has emerged without a sense of danger to democracy, on the one hand, and a sense of great potentiality and underlying momentum on the other. The danger is unmistakable—the peril of another China story. If crisis should come in India, along the lines of our troubles in Indonesia and the Middle East, I am sure the executive branch and the Congress will react and do what is then possible. But crises are expensive; and money is often of little help, once crises arise.

The challenge of India is the challenge of whether we as Americans have yet learned to act in foreign affairs on our opportunities, before crisis has closed in. We still have that chance in India.

Of course, we do not wish so to concentrate in one area that we forget about other nations and other problems. On the other hand, India is the largest area where the struggle between democracy and communism is now proceeding. Forty percent of the population of the underdeveloped areas of the Free World lives in that nation. Their fate is poised in the balance. India could move forward or slip backward. India is a living concrete problem. Struggles are not won by invoking bureaucratic rules. They are won by those who face their problems and act with adequate resources at the right time. The right time in India is now, in the coming year.

I think I can assert with confidence that this body will respond to an affirmative program of action from the administration. The Indian people in turn have the assurance of the Senate that their economic stability and future progress is, and will continue, a matter of first concern.

STATEMENT BY SENATOR HUMPHREY

I desire to comment briefly on two points regarding the Mutual Security Act of 1958.

The first has to do with the method of calculating the percentage of the United States contribution to the United Nations Technical Assistance Program and related activities. The House provided a ceiling of 40 percent. The Senate followed the law enacted last year, which provided for a sliding-scale reduction to 38 percent in 1959 and 33.33 percent in 1960 and thereafter. The conference report, I am glad to say, follows the House version.

The conference report, however, leaves somewhat ambiguous the legislative history regarding the base on which the United States percentage is to be calculated. The House committee report on the mutual-security bill suggested that there should be included in the base contributions by recipient governments in the form of local cost assessments. These assessments are required to be paid into the central fund of the U. N. program and are subject to all the auditing and other requirements applying to expenditures from that fund.

The Senate committee report specifically rejected suggestions that these local cost assessments should be included in the base on which the United States contribution is calculated. The Senate committee declared that these assessments should not be used as a device to increase the United States contribution.

The law itself is silent on this matter, and I can only say that I personally hope the administration will follow the suggestion of the House Foreign Affairs Committee.

The second point upon which I desire to comment is the amendment which the Mutual Security Act of 1958 makes to Public Law 480. This amendment authorizes foreign currencies accruing under title I of Public Law 480 to be used "to collect, collate, translate, abstract, and disseminate scientific and techological information and to conduct and support scientific activities overseas including programs and projects of scientific cooperation between the United States and other countries, such as coordinated research against diseases common to all of mankind or unique to individual regions of the globe." In order to meet a point of order in the House, the conferees added language specifically requiring that foreign currencies be appropriated before they can be used for this purpose.

What I want to emphasize here is that this amendment to Public Law 480 is no idle gesture on the part of the Congress. I hope it will be taken by the administration, not merely as an authorization to engage in these scientific activities if they happen to feel like it, but as a Congressional mandate that they are expected to do so. It is the clear intent of this section that the administration prepare plans for these activities and that it seek appropriations to carry out those plans.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AGREEMENTS BETWEEN THE UNITED STATES AND THE SOVIET UNION

Mr. KEFAUVER. Mr. President, there have been increasing signs both in the United States and in the Soviet Union of relaxing efforts toward a summit meeting. The brutal executions in Hungary which have pointed to a revival of Stalinism as an instrument of Soviet policy have been cited as a reason for having no meeting at the summit.

The Government-inspired demonstrations against our Embassy in Moscow and against other Western embassies have also been taken as reasons for giving up hope for an eventful meeting at the summit.

Now we have been notified that the Soviet Union has called off participation in a meeting of scientists which was to explore the reliability of methods of detection of nuclear explosions. The Soviets called such a meeting useless.

The decision which has now been announced by the State Department to proceed with the meeting at Geneva on the scientific aspects of the detection of nuclear explosions is both wise and statesmanlike. Whether the Soviet Union joins in or not, we need to know what is possible to achieve in this field. I am confident that the day will come when the Soviet Union will deeply regret nonparticipation in this meeting.

It has been pointed out here also that a new lack of interest in a summit meeting on the part of the Soviet Union is demonstrated by the fact that the Soviet experts have put forward conditions which they know would not be acceptable to the United States and its allies.

On the other hand, almost precisely the same argument has been suggested in the Soviet Union itself about the United States.

It has been said also that Communist China believes in war as a policy, and since she must depend, in the event of war, on Soviet arms—particularly nuclear arms, since she has none of her own—she is discouraging a meeting at the summit in fear of such a meeting resulting in Soviet disarmament.

There have been statements made that the new Communist bloc attacks on Yugoslavia represent a withdrawal of the Soviet Union and its associated states into a tighter bloc behind a stronger Iron Curtain.

These speculations may prove true or not. But none of them, in my judgment, would warrant the United States in relaxing any efforts toward a fruitful meeting at the summit. As a matter of fact, even if some of these speculations prove to be true, efforts on our part to reach a summit meeting seem all the more advisable.

It has been said that no useful meeting between the heads of the United States and the Soviet Union would now be possible, for the reason that there would exist no grounds for mutual confidence.

I was not aware that this state called mutual confidence ever was expected at the summit meeting. It is perfectly clear that we are not going to have any agreements of the kind that we might make, for instance, with Great Britain,

or even with Western Germany or Japan. In those cases there would be mutual confidence that agreements made would be respected.

The kind of agreements which can and should be made between the West and the East, as represented by the Soviet Union, will have to be agreements based, not on confidence, but on necessity. If confidence were all that was required, there would be no necessity of preparing, as we are preparing, for a system of detection for nuclear testing. It is because there is no mutual confidence that both sides are concerned with a system of testing. That does not mean, however, no agreement is possible.

There are throughout life necessary agreements between parties who hate, fear, and despise each other. But the necessities of life require such agreements to be made and kept. This applies just as well to agreements between nations.

Sworn enemies, as we all know, sometimes are capable of doing business with each other for the simple reason that the business is necessary to both parties. This is the case, I think, between the East and West.

The necessity for an agreement, or a series of agreements, is compelling. A state of mutual deterrence is a sort of agreement without an agreement. But the kind of weapons we have both developed and are developing are so supremely dangerous to the life, not only of all the large nations which might be involved in a meeting at the summit, but to all mankind, that we are required to exert our highest efforts to a lessening of the danger.

On the other hand, the cost of maintaining and developing weapons of the character now available is so tremendous that it is eating up man's substance and the substance of nations. We know, and we need not guess, that the economic pressures on the Soviet Union and the Soviet people are as great as or greater than they are on our own.

Secretary McElroy said at Quantico the other day that the defense budget for year after next would be about $2 billion higher than the $40 billion defense budget for the fiscal year which will begin July 1.

In the new fiscal year, we are now told, we shall have a Federal deficit on the order of $11½ billion. It seems obvious that a deficit at least as great, and perhaps greater, is in store for the United States in the following fiscal year. We may get through next year without raising taxes once more, but we cannot go into a long period of large deficits without raising taxes. That ought to be clear to everybody.

The costs of our defense, as necessary as they have been, have now ruled out tax cuts of any considerable nature, and they are going to demand, before long, increases in taxation.

More than that, the enormous burden of defense costs is going to postpone, perhaps indefinitely, the capital improvements in our school system, our public health system, and many other fields where public investment needs to be made.

But what if it is true that the Soviet Union and its leaders, for reasons we can only guess at, have decided that there shall be no meeting at the summit? At least our continual pushing for such a meeting will take some of the burden off us that is on us now.

Our foreign policy was in a straitjacket for so long a time, and our reluctance to make any motions toward an agreement of any kind in any field has, at times, given the impression in the uncommitted world that we are either the warmongers the Soviet Union wishes to make us out, or we have no real interest in peace.

In the propaganda war between the United States and the Soviet system, we have often come out on the wrong side of the ledger. We can change that picture now if the Soviet Union now decides to withdraw from a meeting at the summit, if we resolutely push toward it.

In the past, on such matters as the exchange of persons and the resumption of trade the Soviet Union has sometimes appeared more anxious for agreement than ourselves.

On June 3, for example, the Soviet Union delivered to the United States a long and forceful letter on the resumption of trade between the two countries. I cannot tell whether Khrushchev was taunting us or not in this communication, but it contains a fact which appears to have entirely escaped the notice of the press and the American people.

At one point Khrushchev writes as follows:

> I want to stress particularly, Mr. President, that in putting forward this proposal for greater Soviet-American trade, the Soviet Government does not mean armaments or equipment for military production.

Khrushchev is saying here that the Soviet Union is not asking for strategic materials from the United States. Yet a few paragraphs later he presents a list of goods which could be sent to the United States in return for Soviet purchases here.

I quote again:

> The Soviet Union is capable of effecting payment for its purchases by deliveries of Soviet goods which are of interest to the United States, including manganese and chromeores, ferro-alloys, platinum, palladium, asbestos, potassium salts, timber, cellulose and papers, certain chemical products, furs, and other goods. If the American companies should be interested, the Soviet Union could examine the question of developing the mining of iron ore for deliveries to the United States. At the same time, the Soviet Union could offer the United States a number of types of modern machines and equipment of interest to American companies.

Mr. President, it should be noticed that at least two-thirds of the items offered us by the Soviet Union are of the character which we regard as of strategic value and which we would not ship to the Soviet Union or any other nation of the Soviet bloc.

It has been said by some political commentators that the United States has been trying to slow down efforts for a summit meeting for political reasons. It has been charged that the administration desired the meeting to be held, if it is held, near the time of the November election, so that a rosy glow would be cast over the voters. I cannot endorse this view. But it is clear that there has been a slowing down of the movement toward the summit. I do want, however, to reiterate my satisfaction with the meeting at Geneva, whether or not the Soviet attends.

Yet the urgent needs of the world, the best interest of our country, our allies, and of all mankind insist that, no matter what may be done or felt on the other side, we ourselves must push forward to any kind of agreements which it is possible to make looking toward an easing of world tensions.

The smaller nations of the world are greatly desirous that there be a summit meeting and that some end be sought to this mad armament race. Even if no agreements are possible at the summit, let it be clear that the United States is willing to do everything in its power to try.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 640) making temporary appropriations for the fiscal year 1959, providing for increased pay costs for the fiscal year 1958, and for other purposes, and it was signed by the President pro tempore.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. CHURCH. Mr. President, I am very much gratified at the votes of the Senate this afternoon. I feel very hopeful that we may well be on our way to adding the 49th star to the American flag.

I am particularly pleased that the Senate did not approve the amendment offered in the nature of a substitute which would have given commonwealth status to Alaska, for in so doing we would have launched upon a course of imitation of the British Empire that is quite alien to the American tradition. The whole American tradition has been the development of a single nation—not an empire—and statehood has been the mortar of its construction.

Mr. President, I hold in my hand a resolution adopted by the Young Democratic Club of the District of Columbia endorsing the principle of Alaskan statehood. I am informed the resolution was adopted on June 24th, after lengthy discussions by the Young Democrats, by an overwhelming vote of that organization.

Mr. President, as you know, the citizens of the District of Columbia are in the anomalous situation of the citizens of Alaska, in that they lack both the franchise and representation in the Government which directs their affairs.

I therefore think it appropriate that the resolution of the Young Democratic Club of the District of Columbia, heartily endorsing the cause of Alaskan

statehood, be printed at this point in the RECORD, and I ask unanimous consent therefor.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON STATEHOOD FOR ALASKA

Whereas by the Treaty of Purchase of the Territory of Alaska, the United States Government pledged to the inhabitants of the Territory that they would be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty; and

Whereas the traditional tests for admission of a Territory to statehood have been achieved by the citizens of Alaska in that they vigilantly affirm and practice democracy; in that they eagerly desire to become a State and in that they present in ample measure the resources and capabilities necessary to assume the responsibilities of statehood; and

Whereas it has consistently been the policy of the Democratic Party to favor and promote statehood for Alaska: Be it therefore

Resolved, That the Young Democrats of the District of Columbia, who well know the frustration of being without suffrage and the inequities of taxation without representation, do strongly urge favorable consideration by the United States Senate of the bill passed by the House of Representatives calling for the enactment of statehood for the Territory of Alaska; be it further

Resolved, That the officers of this club convey the desire of the Young Democrats of the District of Columbia as expressed in this resolution to the attention of the United States Senate.

DEFENSE DEPARTMENT REORGANIZATION

Mr. DOUGLAS. Mr. President, hearings on one of the most important measures that has ever been before Congress are now being held before the Senate Committee on Armed Services. I refer to the proposal of the President to reorganize the Department of Defense.

In the attempt to meet the demands of the administration, I believe the House went too far, and made numerous concessions which are not in the public interest.

Last week the distinguished junior Senator from Montana [Mr. MANSFIELD] and I addressed a letter to Members of the Senate on this side of the aisle, which the junior Senator from Missouri [Mr. SYMINGTON] was kind enough to have printed in the hearings before the Armed Services Committee, together with certain pungent comments of his own in reply to this memorandum of ours.

We appreciate the courtesy of the junior Senator from Missouri, and I now ask unanimous consent that our letter may be printed in the body of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 19, 1958.

Hon. STUART SYMINGTON,
United States Senate.

DEAR STUART: As you know, hearings on the reorganization of the Department of Defense have begun in the Senate. Seldom has any proposed legislation been so publicized or the subject of such a high pressure selling campaign.

But some of the crucial provisions, in our opinion, have not had the Congressional or public attention they deserve. Because these are vital issues, involving a dangerous surrender of Congressional responsibilities established by the Constitution, we are writing to bring them to your notice in advance of the hearings.

The crux of our disagreement with the bill, H. R. 12541, as passed by the House, lies in four major areas. It is on these points we wish to focus your attention in the Senate.

1. Even though the Constitution specifically assigns to Congress the responsibility of providing our country with necessary military forces (art. I, sec. 8, clauses 12, 13, 14), this bill would transfer that responsibility to the executive branch. The only control the Congress would retain would be to reject changes of so-called major combatant functions by concurrent resolution of both Senate and House within 60 days. This is even less control than the Congress has over reorganizations of much less vital functions, which can be defeated by a simple majority of those voting in either House.

2. So-called major combatant functions subject to such limited Congressional control only achieve a status when a member of the Joint Chiefs of Staff objects to a transfer, abolition, or reorganization of a function. Since by Executive order the Secretary of Defense will in the future recommend officers to promotion of any rank above two stars, it is probable that few changes would be objected to by the officers concerned. Thus, many of these functions established in law by the Congress could now be changed under circumstances which to all practical purposes ignore the Congressional action; that is, without even the possibility of a veto by Congress even by the inadequate concurrent resolution.

3. While ostensibly rejecting a single Chief of Staff and a general staff setup, it in effect accomplishes that purpose. The language refers to the Chairman of the Joint Staff and the Joint Chiefs of Staff as separate entities, gives the Chairman—not the Joint Chiefs of Staff—control over the management of the Joint Staff as well as authority to select its members. This in effect creates the factual single-chief-of-staff system which the bill and its report endeavor to deny and which the unhappy experience of other nations warns us not to adopt.

4. It dilutes and lessens the appointed civilian control over the military. This has been accomplished by concentrating more power in the Secretary of Defense through removing many responsibilities from the several services' secretaries. Having built up such a concentrated civilian authority, the chain of command then becomes the Chairman of the Joint Chiefs of Staff, the Joint Chiefs of Staff, and the military commander in the unified command structure.

Thus, in our opinion, H. R. 12541 clears the way for a major transfer of constitutional legislative powers and duties to the executive branch. In recent years, it has become commonplace for the executive branch to ignore Congressional intent with regard to assigned responsibilities stemming from the distribution of funds among the military services. The provisions of H. R. 12541 would surrender the constitutional responsibilities of the Congress to shape the form and capabilities of the Armed Forces. Thus, the judgment of the Secretary of Defense and the President would supplant the collective judgment of Congress in determining the types of military power that would be available for the common defense. This would be a major retreat from the conviction, clearly written into our basic law, that the Executive should not be granted the sole power of raising and regulating fleets and armies.

Finally, you will not be surprised to learn that we are fearful of the adverse effect of this legislation of significant components of our Military Establishment, such as the National Guard and the U. S. Marine Corps. The Marine Corps has survived as a vital and useful military service, and as an American institution, only because of the safeguards that Congress carefully placed in existing law. This legislation reduces sharply the ability of the Congress to control the future availability of the Marine Corps, the National Guard and our forces generally.

We are confident that our Armed Services Committee will weigh carefully the issues on this subject. Our deep concern, however, has led us to the unusual step of writing you to help us assure that the entire Senate proceed carefully and judicially in arriving at our conclusions. The House Committee Report No. 1765 on this legislation, together with Congressman KILDAY'S forceful floor statement, point out the clear and present danger, particularly since the President is not even content with the House's unhappy compromise, but even now is urging additional amendments which would go much further and would almost completely take away our Congressional authority to provide for the common defense.

We earnestly urge you to give your most thoughtful consideration to these issues and to stand with us in safeguarding our democracy's future, while giving the President all the leeway any reasonable Executive would ever need to meet the threat of naked power alive in our planet today.

We must be alert, vigilant, and well informed, so that we shall not be stampeded into abdication of Congressional authority and possible serious danger to our cherished freedoms.

Sincerely yours,

MIKE MANSFIELD,
PAUL H. DOUGLAS.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. SYMINGTON. I appreciate the courtesy of my colleague from Illinois. As he knows, and as the distinguished Senator from Montana knows, I believe the House bill is inadequate because I also believe the President is right in his recommendations for the reorganization of the Department of Defense. Therefore, I answered the letter from the distinguished Senator from Illinois and the distinguished Senator from Montana. Will my able colleague from Illinois permit me to put the reply in the RECORD directly after the letter that he sent to various Senators? My reply was also sent to various Senators.

Mr. DOUGLAS. I think that would be very appropriate, and I am delighted to make that request, Mr. President.

Mr. SYMINGTON. I thank the Senator for his gracious courtesy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
June 25, 1958.

Hon. PAUL DOUGLAS,
Hon. MIKE MANSFIELD,
United States Senate,
Washington, D. C.

DEAR PAUL AND MIKE: Thank you for your letter of June 19 protesting the efforts of the President and the House of Representatives to give the Nation a more modern Department of Defense, in recognition of the impact of this nuclear age on our national security.

I do not agree with some of the implications of your letter; and in other instances your assertions are incorrect.

Your letter mentions a high-pressure-selling campaign in favor of this proposed legislation.

I believe there has never been anything comparable to the entrenched empire-vested interest lobby which for over 10 years has worked so consistently—and in the main successfully—against the reorganization of our defenses on the basis of progress instead of tradition.

Now further in reply to the allegations of your letter.

There is no evidence to support your statement that the proposed legislation would involve any dangerous surrender of Congressional responsibilities established by the Constitution.

The legislative power should be reserved exclusively to the Congress; but there is a clear distinction between (1) the raising and supporting of Armed Forces, and (2) the effective use of those forces by the Commander in Chief.

Never before has it been so necessary for the President to be in the best possible position to utilize our defense forces effectively.

Under the Constitution, defense power is given to both the Congress and the President.

The authority of the Congress to raise and support armies, to provide navies, and to make rules incident to land and naval forces, is not presented in the Constitution in competition with the responsibilities of the Commander in Chief.

In fact, the background of these constitutional provisions does not relate to the distinction between the legislative and executive branches of the Government; but rather to the relationship between the military and the civilian communities.

This problem received much attention at a time when the civilian populace was distrustful of the military, resentful of the quartering of troops upon the populace, and suspicious of the efforts of commanders to discipline military personnel.

As a result, these sentiments found expression in the determination that the Congress should control the size of the forces; and should make certain of their discipline and behavior.

The legislative history of the constitutional provisions in question does not appear to relate to the actual combat utilization of our Armed Forces.

The first 2 of the 4 major points of your letter deal with the authority of the Executive to transfer major combatant functions, provided the Congress, by concurrent resolution within 60 days, does not disapprove the proposed changes in question.

A major combatant function is defined by the House bill as one the transfer of which is objected to by one or more members of the Joint Chiefs of Staff.

This would seem a peculiar way to determine what is a major combatant function; and I believe the bill should be amended so as to eliminate the provision which bases this determination upon the concurrence or objection of but one of the military chiefs. Otherwise it is obvious that military authority is being increased at the expense of civilian control.

Prior to 1947, there was no general statutory prescription of service functions. If we now assert that in this regard Congress is delegating its function in an unconstitutional manner, we are also asserting that prior to 1947 Congress failed to perform its constitutional function.

In the National Security Act, what are referred to as combatant functions are broad statements of functions which overlap as between the services, therefore there is obviously a requirement for some authority, other than the services themselves, to delineate these functions.

Under the 1949 amendments to this act, broad authority to transfer other than combatant functions was granted the Secretary of Defense. This grant of authority was not challenged on constitutional grounds.

In exercising its ultimate authority through legislative and investigative prerogatives, and also of course through its control of funds, the Congress retains control.

The matters now under discussion are matters of operating procedure, which may properly be left to the executive branch.

The grant to the Secretary of Defense of authority to transfer functions is necessary to efficient operation. But it is subject to the reporting requirement presently contained in the National Security Act; and therefore the Congress could exercise that control considered necessary in the national interest.

Contrary to the implication of your letter, this proposed bill does not establish a single Chief of Staff; and the Chiefs have been retained as a corporate body.

There is a definite limitation in the size of the Joint Staff; and the individual military staffs in each of the four services are continued.

I see no justification whatever for the assertion in your letter that either the President's proposals, or the terms of the House bill "dilute and lessen the appointed civilian control over the military."

In fact, the reverse is true.

Civilian control is actually increased. As example, an appointive official, subject to confirmation by the Senate, is specifically charged with the overall supervision of all research and development activities.

Your letter is in error when it states that the Chairman of the Joint Chiefs of Staff would be in the chain of command.

Commands from the Secretary of Defense are transmitted directly to the military commanders in the field through the Joint Chiefs of Staff, the latter acting as a corporate body.

Your letter objects to the increase in efficiency which would result from the authority to transfer functions. Actually, this latter authority would be an enlargement of the authority of the civilian Secretary of Defense at the expense of the military.

Again, the Secretary of Defense can only exercise those powers subject to the approval of Congress.

Now as to the effect of the legislation on certain components of the Military Establishment.

As you know, except when in its Federal status, the National Guard is not a component of the Department of Defense within the meaning of this proposed legislation; and therefore could not be significantly affected by said legislation.

With respect to the Marine Corps, the proposed legislation states there shall be provided "a Department of Defense including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps) and the Air Force under the direct authority and control of the Secretary of Defense."

How could the position of the Marines be stated more clearly?

Nobody has more respect for the Marines than I. One of my sons had the honor of being a member of that great service during the past war.

As a result of the passage of my amendment in 1955, sufficient money was appropriated to prevent any reduction in Marine Corps personnel strength.

In summary, I believe that prompt action to modernize our defense structure is vital to the security of the United States, and therefore I would hope that any special interest or regard for a particular service will not prevent the long overdue reorganization of the Department of Defense.

With assurances of my high regard,

Sincerely yours,

STUART SYMINGTON.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. It would appear the letter which the Senator from Illinois and the Senator from Montana addressed to other Democratic Members of this body and the letter of the distinguished Senator from Missouri, who is a former Secretary of the Air Force, to our colleagues well typifies that there is dissatisfaction with the bill as it passed the House. The Senator from Illinois and I think it goes too far. The Senator from Missouri thinks it does not go far enough. So I would say what is happening is the case of the irresistible force meeting the immovable object. I do not know what will happen, but I am quite sure the Armed Services Committee will come out with a bill which will allow individuals to tell the truth to Congress as they see it, so the Congress will have the ability to understand the facts based on honest information. I make that statement with no disparagement of anyone, but in an attempt to point out that if the Congress is to operate under its consitutional prerogatives, under article I, section 8, which are broad and far-reaching, we must have the kind of information necessary to bring about the proper functioning of the Army and Navy and other Armed Forces, and to enable a proper course to be pursued by this country under a constitutional form of government.

Mr. DOUGLAS. I thank the Senator from Montana. As our joint letter points out, the House bill, in effect, would transfer the responsibility of providing our country with the necessary military forces from Congress to the executive branch. About the only control which Congress would retain would be authority to reject changes in so-called "major combatant functions" by concurrent resolution of both the Senate and the House within 60 days.

That is even less control than Congress has been given over other, less vital administrative transfers, because in those other cases the negative vote of one House of Congress is sufficient to cancel an Executive order; but under the bill in question it requires the negative vote of both Houses, and that concurrent resolution has to be passed within 60 days.

There is a further point: A "major combatant function" is defined as being only one to the transfer of which one of the Joint Chiefs of Staff takes exception. In view of the fact that all promotions above the 2-star rank are to be in the hands of the President and the Secretary of Defense, and the fact that they have announced the qualities of team play and agreement with general policies will be at least major considerations in determining whether or not anyone is to receive a 3-star rank, I think we can be pretty certain that there will be very few of the Joint Chiefs of Staff who will dare to oppose the

wishes of the President. So in practice we shall not have the opportunity, in Congress, to pass on major transfers of roles and missions which, under the 1947 Reorganization Act, were fixed by the Congress, and which presumably rest in Congressional hands, or at least up until now have so rested.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Missouri.

Mr. SYMINGTON. I want to thank the distinguished Senator from Montana for his reference to my service with the Air Force. I am proud of that service. Thirty-nine years ago I was a member of the United States Army, and am proud of that service. I am also very proud of the Marine Corps, in which relatives of mine, including a son, served in World War II.

I am sure the distinguished Senator from Montana and the distinguished Senator from Illinois are also proud of having been members of the Marine Corps.

I trust, however, that regard for a particular service will not influence our thinking in this matter as to what is best for the United States as a whole, as compared to what is best for a particular service.

I was disappointed to hear today, as a member of the Senate Committee on Armed Services, the Adjutant General of the Marine Corps Reserve state that in his opinion the Commander in Chief, President Eisenhower, and Admiral Radford, the former Vice Chief of Naval Operations and former Chairman of the Joint Chiefs of Staff, were not the best equipped to handle legislation of this character. I cannot agree any more than I would agree a doctor is not the best equipped to diagnose the problem of a patient.

I shall ask to have printed in the RECORD when it is available, the statement made by the Adjutant General of the Marine Corps Reserve, and the colloquy between the Adjutant General and myself on this point, because I must say I believe the Commander in Chief, based on his experience is entirely capable of legislation in this field. I also have great admiration for Admiral Radford because of his experience as Vice Chief of Naval Operations and Chairman of the Joint Chiefs of Staff. Admiral Radford has reversed his position with respect to further unification of the services, and is now solidly backing the recommendations of the Commander in Chief.

I would prefer that the recommendations of the Commander in Chief, in a field in which he is one of our greatest authorities, be adopted without the amendments of the House. But what is especially disappointing to me is that my two distinguished colleagues not only oppose the President's recommendations, but also oppose the House bill. I hope that as the debate develops my friends will reverse their opinions, especially since I am sure they are completely sincere in their thinking on this important matter.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. MANSFIELD. Apropos of what the Senator from Missouri has had to say about certain testimony before the Committee on Armed Services of the Senate this morning, I agree with the position that both the President of the United States and Admiral Radford, former military men of great experience and ability, are certainly qualified to make recommendations and to expound on those legislative proposals.

I would point out that while there are differences of opinion in this body, throughout the country, and I dare say among the services, exactly as the President, as the head of this Government, has a responsibility, so each of us in the House and Senate has a responsibility as well. Although the fact that a man was a 5-star, 4-star, or 3-star General or Admiral may give him a greater degree of ability and understanding based on experience, it does not place upon him a greater degree of responsibility than is upon us. Even if we were Pfc's, corporals, or sergeants, after all we have to examine these matters which are brought before the Congress for our consideration.

I sincerely hope the Congress, which has been gradually giving up its power to the executive branch, voluntarily and involuntarily over the past 30 or 40 years, will examine this matter in great detail to make sure that there is an equality of power between the executive and the legislative branches, and that this arrogation of power which is taking place under the executives of both Republican and Democratic administrations will be done away with.

I point out that under a Democratic administration enough money was impounded to keep this country from achieving a Congressional desire of a 70-group Air Force.

Under a Republican administration an amendment was offered by the Senator from Missouri to provide approximately $40,000,000 to keep the Marine Corps at its statutory legislative level of 3 combat-sized divisions and 3 air wings, and that money was impounded.

I further point out that at the present time $22.3 million out of the $33 million appropriation for use of the National Guard in the building of facilities and other prerequisites is being impounded and held up not in the Bureau of the Budget but, as I understand it, in the Department of Defense.

Mr. DOUGLAS. Mr. President, will the Senator permit me to comment at this point?

Mr. MANSFIELD. Yes, indeed.

Mr. DOUGLAS. Is it not true that when the House passed a bill to provide that the strength of the Marine Corps should be 200,000 instead of 175,000 and that the strength of the Army should be increased by 25,000, the Secretary of Defense and officials of the administration announced that no matter what Congress did, they did not intend to bring the combatant strength of those 2 forces to the amounts designated by the 2 bodies of Congress?

Mr. MANSFIELD. The Senator is absolutely correct. That was the continuation of a pattern which has been in existence for far too long. I should like to see a good deal of reorganization brought into being within the Pentagon, itself. Instead of having 30 assistant secretaries, why should we not reduce the number? Instead of having 790 commissions, why should we not reduce some and abolish others?

Mr. DOUGLAS. Is it not true that the very men who are saying the present organization of the Pentagon is inefficient are the men who a few years ago created the positions for these 31 secretaries, under secretaries, deputy under secretaries, assistant secretaries, and deputy assistant secretaries? Is it not true that the greatest improvement which is needed is the elimination of that excessive bureaucracy of civilians who are trying to serve as military men as well as administrators?

Mr. MANSFIELD. Of course it is. It ought to be done within the Pentagon itself. That is where the reorganization should take place.

Mr. DOUGLAS. I heartily agree with the Senator.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I shall yield in just a moment.

I heartily agree with the Senator from Montana. It is extraordinary that the very same people who put over the monstrous reorganization a few years ago now step out as the great experts to divert attention from their own errors and to change in vital respects the assignments of roles and missions and the power of Congress itself over the Armed Forces.

Mr. MANSFIELD. Why is something not done about the 30 percent of the draftees taken into service who have an average intelligence quotient of 70 or less? The average intelligence quotient in the country is between 90 and 110, or, roughly, 100. Why do we not do some of the things we have started to do under the Cordiner plan, so ably participated in by the Senator from Missouri?

Mr. DOUGLAS. The Senator from Missouri did a very good job on that, I may say.

Mr. MANSFIELD. We should give these boys something more in the way of security, stability, and standing. We should raise the standards so that we can bring in a better type of person to the Army, to do away with the draft entirely.

Mr. DOUGLAS. May I say, just as the junior Senator from Missouri was a great Secretary of the Air Force and made a great contribution to the Cordiner report, so we hope his devotion to our country will lead him, after mature study of this subject, to agree with the Senator from Montana and the Senator from Illinois as to the need to protect the constitutional powers of Congress and the need for efficient combat forces to fight limited wars.

Mr. SYMINGTON. Mr. President, I make one observation. Let us get away from the romanticism of the subject and examine the cold, hard facts. I ask

Members of the Senate to read the letter signed by these two distinguished Senators and sent to many Members of the Senate, and also my reply, which the distinguished Senator from Illinois was kind enough to say would follow his letter in the RECORD, and which was sent to all Senators. Then they can determine what the situation is.

I add, with great respect, that no one has more admiration for the Marine Corps than I; but I believe we have now reached the point where we must recognize, in our Defense Establishment, the importance of having our relatively small army, an army that can be shipped immediately anywhere in the world by air, because this is an air age.

I hope that before we finish the discussion, the distinguished Senator from Montana, the distinguished Senator from Illinois, and I can arrive at some plan whereby the Marine Corps will be even more of a factor in the future defense of our country than it has been up to this day—and that will be a large order.

Mr. DOUGLAS. Mr. President, I say to my good friend from Missouri that while he did not openly say so, there were overtones to the effect that the Senator from Montana and I were possibly placing our loyalty to our service above loyalty to the Armed Forces of the United States. I am sure the Senator from Missouri does not really believe that.

It is not only our duty, but our desire as good Americans to want that organization of national defense which will best protect the Nation; and if that requires the elimination of the Marine Corps as a combat force, the Senator from Montana and I are perfectly willing to pay that price.

But in my judgment, in this world there is still great danger of limited war. In fact, the possibilities of destruction through nuclear warfare are so great that each side may, in a sense, be immobilized and prevented, by the fear of what may happen, from starting an all-out war.

It is more likely that Soviet aggression will take the form of probing operations, whether in the Near East or in Southeast Asia; and we shall require ample and brave forces, equipped to fight limited wars, to try to check aggression and to prevent a local war from expanding into a worldwide conflict.

It is highly desirable, therefore, to have efficient, devoted, brave, courageous, and mobile forces to throw into such situations. I make no reflection upon the combat abilities of the United States Army.

I know that members of the Marine Corps are sometimes disliked because of a tendency on the part of some marines toward excessive boastfulness. I recognize that that has been the fault of many members of the Marine Corps. I can only ask that this weakness be pardoned by my friend from Missouri and by the Nation as a whole, that we be forgiven for the derelictions of manners of which some of us may be guilty, and that the record of the Marine Corps as a whole be examined.

I can only say this—and I do not think it is false service loyalty which causes me to say it—the Marine Corps asks for no easy duty. It asks for the most dangerous duty which can be assigned to it. It asks for positions of peril. It asks for the opportunity to shed its blood and give its life in the service of the country. It wants the hard jobs. We believe that, within the limitations and weaknesses of human flesh, on the whole we have performed our duty well in the past. The casualties in our divisions have been extremely high. We are proud of those casualties, because we believe they were incurred in a great cause.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. Let me continue, please.

I am sure that members of the Marine Corps will be ready in the future to make the same sacrifices. Indeed, they are ready to give up their corporate existence, if that be necessary, for the welfare of the country. But I ask that we examine very carefully the question whether it is in fact necessary.

I remind my good friend from Missouri, and those who may share his view, that we are not seeing "bogies" in this matter, because in 1947 the House Committee on Expenditures in the Executive Departments published a collection of documents in Union Calendar 499, Report No. 961, 80th Congress, 1st session, in which there is quoted an authentic memorandum by General Eisenhower, then Chief of Staff of the United States Army, which stated, among other things recorded in this little-known memorandum, the following:

> The conduct of land warfare is a responsibility of the Army. Operationally, the Navy does not belong on the land; it belongs on the sea. It should have only technical and administrative functions on land in connection with its headquarters, bases, or other naval installations. The emergency development of the marine forces during this war should not be viewed as assigning to the Navy a normal function of land warfare, fundamentally the primary role of the Army. There is a real need for one service to be charged with the responsibility for initially bridging the gap between the sailor on the ship and the soldier on land. This seems to me properly a function of the Marine Corps. I believe the Joint Chiefs of Staff should give serious consideration to such a concept. The need of a force within the fleet to provide small readily available and lightly armed units to protect United States interests ashore in foreign countries is recognized. These functions, together with that of interior guard of naval ships and naval shore establishments, comprise the fundamental role of the Marine Corps. When naval forces are involved in operations requiring land forces of combined arms, the task becomes a joint land-sea, and usually Air Force mission. Once marine units attain such a size as to require the combining of arms to accomplish their missions, they are assuming and duplicating the functions of the Army and we have in effect two land armies. I therefore recommend that the above concept be accepted as stating the role of the Marine Corps and that marine units not exceed the regiment in size, and that the size of the Marine Corps be made consistent with the foregoing principles.

General Spaatz, commanding general, Army Air Force, wrote:

> I recommend therefore that the size of the Marine Corps be limited to small, readily available and lightly armed units, no larger than a regiment, to protect United States interests ashore in foreign countries and to provide interior guard of naval ships and naval shore establishments.

General Eisenhower, Chief of Staff, United States Army, also wrote at that time:

> The following is proposed for consideration: * * *
>
> (1) That the Marine Corps is maintained solely as an adjunct of the fleet and participates only in minor shore combat operations in which the Navy alone is interested.
>
> (2) That it be recognized that the land aspect of major amphibious operations in the future will be undertaken by the Army and consequently the marine forces will not be appreciably expanded in time of war.
>
> (3) That it be agreed that the Navy will not develop a land army or a so-called amphibious army; marine units to be limited in size to the equivalent of the regiment, and the total size of the Marine Corps therefore limited to some 50,000 or 60,000 men.

Mr. President, that was the plan of General Eisenhower when he was Chief of Staff of the Army. It was joined in by the Joint Chief of Staff of the Air Force. The proposal was very clearly to confine the Marine Corps to working parties, to the handling of supplies on the beach, and to guard duty at prisons and naval establishments, but for it not to be a combat force. That was the purpose of General Eisenhower in 1946. That has been the purpose of the Army General Staff for years. I believe it is still the predominant purpose of the Army General Staff.

It is my prediction that if we pass the bill in the form in which it was passed by the House, within a few years we shall find that the combat functions of the Marine Corps and of naval aviation will be transferred, and that under the present bill it will be almost impossible for Congress to change the situation.

The proposal for reorganization which General Eisenhower advanced in 1946 failed to be enacted only because Congress in 1947 said it did not want the Marine Corps abolished. It defined the roles and missions of the Armed Forces in such a way that the Marine Corps was kept as a fighting unit, and it defined these roles and missions in such a way that its combat functions were preserved. It has only been through Congressional protection that these two arms of our combat forces have been maintained.

If Congressional control is crippled, weakened, or completely done away with, as the President desires, then we can be certain that the Army and the Air Force will get control of the Joint Chiefs of Staff and will proceed to reorganize the Defense Department along the lines of the 1946 memorandum.

They will do that, believing that they are doing the right thing. We in Congress cannot pass our responsibility in that connection on to others. We also have the responsibility to defend our country. It is a joint responsibility with the Executive.

If we wish the Marine Corps cut down to those functions and eliminated as a combat force, the Marine Corps should be abolished outright. If the harpies on the shore should pluck the eagle of the sea, and reduce the Marine Corps to mere working parties on the beach and to guard duty at naval prisons and installations, then it would be better to abolish the Marine Corps entirely, and to have it go down, as a good ship should go down, with flags flying.

However, I do not believe that is the desire of the American people. That is why I believe that, even in its House form, the organization bill is dangerous not to the Marine Corps, but to our Nation. I say that because there is no comparable body of men or service which seeks for itself the most dangerous duties, which scorns ease, which believes in sacrifices and is ready to lay down their lives and be governed accordingly.

Mr. President, I ask unanimous consent that an article written by Mr. Hanson W. Baldwin, which appeared in the New York Times of Wednesday, June 25, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of June 25, 1958]

MILITARY'S RIGHT TO SPEAK—CHIEFS MUST TELL VIEWS ON BILLS FREELY IF DEMOCRATIC PROCESSES ARE TO SURVIVE

(By Hanson W. Baldwin)

The executive and legislative branches of the Government were in conflict again yesterday about control of the Nation's military forces.

This issue—the separation of powers and the checks and balances provided by the Constitution—is a key controversial factor in the President's Pentagon reorganization bill.

The current controversy is an outgrowth of the testimony last week of Adm. Arleigh A. Burke, Chief of Naval Operations, before the Senate Armed Services Committee.

Admiral Burke politely but unmistakably opposed two provisions of the administration's military reorganization measure. The admiral, who is widely respected for his integrity and high standards of leadership, was then publicly criticized by Neil H. McElroy, Secretary of Defense. Mr. McElroy later tried to reverse the impression his words had created and denied a "rebuke" to Admiral Burke.

TESTIMONY SUSPENDED

Senator RICHARD B. RUSSELL, chairman of the Armed Services Committee, then suspended all testimony of uniformed witnesses until, he said, the administration could provide assurances these witnesses could testify freely "without being threatened overtly or covertly."

Yesterday's word from the White House, via Republican Congressional leaders, was that this could be assured and that no threat of reprisal against Admiral Burke was ever intended.

This latest incident in the Pentagon reorganization struggle is a direct outgrowth of the checks and balances and divided powers over the military forces established by the Constitution. The Constitution named the President as Commander in Chief but Congress was charged with control of the purse strings and with the duty of providing for, raising, maintaining and regulating the Armed Forces.

OATH TO THE CONSTITUTION

The oath of allegiance of a commissioned officer is to the Constitution—in itself acknowledgement of the divided powers over the military. Each officer therefore owes two loyalties—to the orders of the Commander in Chief and to the policies laid down by Congress to regulate the services.

This divided loyalty often puts the honest and sincere military leader—of whom Admiral Burke is an outstanding example—in a difficult position. It is essential to the concept of divided powers, to our form of Government and to the development of sound military policies that an officer called to testify before Congressional committees should be permitted—indeed encouraged—to speak frankly and fully.

An officer of discretion and judgment will couch his testimony, of course, in moderate and reasoned terms, as Admiral Burke did.

But if he is not free—before an appropriation bill or military measure is passed, before a reorganization plan becomes law—to present his frank opinions to Congress, whether or not they agree with administration opinions, then the democratic processes as long established by the Constitution and by custom will be fundamentally altered and Congress cannot possibly fulfill its duty of control and direction over the military.

Admiral Burke was testifying, before a bill became law, against provisions that would alter the existing law and would reduce Congressional control over the military. If this bill were passed and if Admiral Burke then continued his opposition he would be properly subject to criticism, for he would be defying the law of the land and his two masters—the President as Commander in Chief and Congress. But this was not the case: he was, in fact, supporting existing law.

Secretary McElroy, who is also torn between two masters and who has been subject to great pressure from the White House, must now realize that Admiral Burke's duty is not to the Secretary of Defense alone, not to the President alone, but to a higher and divided loyalty.

This same problem of divided loyalties arises almost annually when military appropriations bills are presented to Congress. This year, as in other years, the House, after hearing exhaustive testimony from many military witnesses, provided in some categories more funds than the President had asked. The President, of course, may decide not to spend these funds—as other Presidents have declined in the past.

IN EFFECT, AN ITEM VETO

But, as Samuel P. Huntington notes in The Soldier and the State, if "the President has the power to sign an appropriations statute into law and then nullify a major policy embodied in that statute by refusing to spend a substantial portion of the funds appropriated, he has in effect an item veto."

"More than that," Mr. Huntington continued, "he has an absolute veto exercised without danger of being overridden by a two-thirds vote of Congress. Neither the Commander-in-Chief clause nor any other clause in the Constitution gives him an item veto or an obsolute veto. The constitutional authority of Congress to provide funds for the military * * * necessarily implies the constitutional power to compel the funds to be expended.

"The power of Congress to enforce increased expenditures is intimately related with the legal right and duty of the military chiefs to present their professional opinions directly to Congress. Their right to appeal to Congress becomes a nullity unless Congress also possesses the right to act upon their appeal. These two authorities are inseparably connected, and together they are essential to the operation of the separation of powers. The right of the chiefs to speak frankly to Congress has been established in law and has been more or less accepted in practice."

Mr. DOUGLAS. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a letter by Mr. George Fielding Eliott, published in the New York Times of June 26.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times of June 26, 1958]

BURKE TESTIMONY UPHELD—ADMIRAL'S CRITICISM OF DEFENSE BILL DECLARED IN LINE OF DUTY

(The writer of the following letter is the author of numerous books and articles on military affairs.)

To the EDITOR OF THE NEW YORK TIMES:

Your editorial of June 23 entitled "In the Defense Controversy" misses the point at issue as to Adm. Arleigh Burke's testimony before the Senate Armed Services Committee, in which the Chief of Naval Operations expressed frankly his disagreement with two sections of President Eisenhower's reorganization plan.

What is here in question is not the goals of the reorganization plan themselves, but the duty of an officer called upon by a committee of the Congress to give that committee the benefit of his professional judgment on questions of military policy.

The heart of the problem lies in the constitutional separation of powers between the executive and legislative branches of Government.

CONGRESSIONAL POWER

The Constitution, as your editorial does not fail to mention, makes the President the Commander in Chief of the Army and Navy. But the Constitution also vests in the Congress the power "to raise and support armies—to provide and maintain a navy—to make rules for the government and regulation of the land and naval forces."

How, it may be asked, is Congress to exercise these powers intelligently if its committees cannot call before them the professional chiefs of the armed services and seek their advice and judgment, based on lifelong service—not only seek that advice and judgment, but have it freely and frankly given?

Admiral Burke, like every other officer wearing the American uniform, is under oath to uphold and defend the Constitution of the United States. Is he just to uphold that part of it which says the President is his Commander in Chief, and not those parts which set forth the powers of Congress in relation to the Armed Forces?

We should keep in mind that the subjects on which Admiral Burke expressed disagreement with the President are of fundamental importance to the future military policy of the country—and to its security. They are provisions of law which give expression to Congressional authority over the Armed Forces, and protect this expressed Congressional will from arbitrary nullification by the President or his Secretary of Defense.

FUTURE RESULTS

If these legal safeguards are removed, the results will be felt long after Mr. Eisenhower has ceased to be President. They will leave the services, their organization, their roles and missions, their very existence as separate and living entities at the mercy of the wisdom and the purposes of individuals as yet unknown to us who may come to occupy the office of President or that of Secretary of Defense.

In courageously stating his opposition to these proposals, Admiral Burke most certainly knew—he had indeed been explicitly reminded of the fact by Secretary McElroy—that he was taking issue with the President in matters where the President entertained the most intense feeling. He nevertheless felt it his duty to say what he felt when asked to do so by the Senators. They as well as the President are in their corporate capacity a part of the civil power which is the "superior officer" of the military and like the

President have constitutional authority over the military forces.

What under these conditions would you expect the admiral to do? Say he believed what he does not believe? Refuse to give information required of him by Congressional authority under the Constitution? Or to do just what he did do—speak his mind without regard to possible consequences to himself?

GEORGE FIELDING ELIOT.

NEW YORK, *June 23, 1958.*

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that an editorial published in the Wall Street Journal of June 25 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal of June 25, 1958]

IN ONE VOICE

Unquestionably, there was some political maneuvering in Senator RUSSELL's temporary suspension of testimony by high ranking officers on the Pentagon reorganization bill. But there was some soundness to it, too.

Until he receives clear and unequivocal assurance that Defense Secretary McElroy will not take punitive action against officers who testify in opposition to the measure, supported by Mr. McElroy and President Eisenhower, Senator RUSSELL said that he will ask no more officers to testify.

The chairman of the Senate Armed Services Committee took this step following a weekend furor over testimony by Admiral Burke, Chief of Naval Operations, who last Friday declined to support all of the President's recommendations for changes in the Pentagon. The next day, Secretary McElroy said he was "disappointed" at Admiral Burke's testimony, and that it was "regrettable" he did not support the President. This rebuke led to a spate of rumors that Burke was on his way out. The Secretary later said he meant nothing by his statement except to express his disappointment.

But Senator RUSSELL said that the Secretary's statement clearly implied that top officers must conform with administration policy on defense issues or be purged.

There will always be a division of opinion on the extent to which officers should publicly support—or oppose—the programs and proposals of their civilian chiefs or of each other. The Congress, though, has the constitutional duty of providing for the Armed Forces both money and men, and of outlining their areas of responsibility in the overall defense plan. Congress can hardly carry out this duty without the views of the professional officers who, in turn, must carry out directives of the Congress through their civilian heads.

In short, responsible officers have a duty to warn the Congress and the public of any and all pitfalls they may see in plans which change armed services procedures. Occasionally officers abuse this responsibility by opposing changes simply because they think the changes may affect the prerogatives of their particular services. But the Senators and Representatives on the Armed Services Committees are quite used to this, and they usually discount fully that sort of testimony.

But to gag all officers who are opposed to what others seek to do would be a dangerous thing for the country. We are not inclined to doubt Secretary McElroy's statement that he means no reprisals for unsatisfactory testimony. But it would be well for him to convince Senator RUSSELL of that.

It would be well to reassure the country, too. For Senator RUSSELL has shown, in his dramatic cancellation of testimony by all the other officers who were scheduled to appear, the real danger in a course of enforced agreement.

And the danger is that it would be useless for Congress to question officers on any defense matters at all if they are forced to speak as one voice.

Mr. DOUGLAS. In conclusion, I should like to say that the efficient defense of our country is not a matter merely of logical organization charts. Perhaps from the standpoint of logical organization charts there should be only one land army. Perhaps the efficiency experts will say that regiments simply should be numbered and divisions should be numbered.

However, morale and fighting spirit are far more important than organization charts. Frequently, we defeat our ends by setting up mechanical organization charts if we crush the spirit, which alone gives life.

Napoleon said morale was 10 times as important as materiel. Men, particularly young men, fight better if they have a loyalty not merely to the Nation, but to a unit smaller than the Nation. The memory of men in units which have given the lives of countless thousands serves to ennoble and to give courage to the young men who come into a service for the first time. Tradition is not dead, but instead a living thing. It is present. If we destroy that tradition, we destroy a part of the strength of the Nation, a part of the strength which we may need in the days which lie ahead.

Therefore, Mr. President, I submit that it is not merely service loyalty which makes me fearful of the plans of the administration. It has within it great dangers, particularly when we know that behind it is the predominant determination of the Army general staff to eliminate the Marine Corps as a combat body and the predominant determination of the Air Force to subordinate limited war to all-out war.

I believe that in the interests of national security we should study this matter very carefully.

While I have differed on a number of important subjects with the senior Senator from Georgia [Mr. RUSSELL], and while I expect that in the future I shall probably differ with him on a number of such subjects, I wish to pay tribute to him as a great chairman of the Committee on Armed Services and as a devoted patriot.

When the Secretary of Defense made his ill-concealed threat to the Chief of Naval Operations, Admiral Burke, the Senator from Georgia had the courage to say that he would not call any service chiefs before the Committee on Armed Services until he obtained a written pledge that they would not be discriminated against if, in response to queries they testified honestly. I am not quite certain whether Secretary McElroy met the Senator's test in his reply of the other day. There are still implied threats hanging over the heads of the Navy and the Marine Corps.

I hope that when they are questioned they will respond with full frankness. I am confident that the public opinion of this Nation will support them, and that the great Senator from Georgia will stand fast, as he has always stood fast, on this question, to protect the right of committees to get honest testimony from the responsible heads of our military establishments.

Mr. President, I now address myself to another subject.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

THE CRIME RATE IN THE NATION'S CITIES

Mr. DOUGLAS. Mr. President, I should like to comment briefly on a table which the junior Senator from Oregon [Mr. NEUBERGER] placed in the CONGRESSIONAL RECORD for June 23, and which appears at page 11899. It shows the comparative crime rate of the 34 largest cities in the country with populations of over 200,000. The cities are rated in an order where the city with the highest crime rate is first, and the city with the lowest crime rate is last.

Many times I have asked people which city is the crime capital of the country, and which city has the highest crime rate in the country. I have always been somewhat chagrined to be told, almost without exception, that Chicago is the crime capital of the country; and that Chicago is the city having the highest crime rate. We did have some 15 or 16 bad years from 1915 to 1931, when William Hale Thompson was mayor of Chicago and when Al Capone was the king of the underworld. That was a disgraceful period in the history of Chicago.

But I take great pride in the fact that in 1957 Chicago had the next to the lowest crime rate of all the big cities in the country.

Los Angeles had a crime rate of 51 to 1,000; that is, 51 serious crimes for every 1,000 people. Los Angeles headed the list.

It was followed by Atlanta, St. Louis, Denver, Seattle, Newark, Houston, Dallas, San Francisco, Oakland, Fort Worth, Louisville, and Portland, Oreg.

The junior Senator from Oregon [Mr. NEUBERGER] the other day was greatly pleased to record that Portland was not at the top, but was only the 13th in the list.

After Portland, Oreg., came San Antonio, New Orleans, Detroit, Columbus, Indianapolis, Akron, Toledo, St. Paul, Cleveland, Birmingham, Minneapolis, Boston, Pittsburgh, New York City, Memphis, Philadelphia, Rochester, New York, Cincinnati, Kansas City, and then, in 33d place—and this does not mean the city having the highest crime rate; it means the city having the next to the lowest crime rate—my city of Chicago, with a rating of 12.9 per 1,000, or a crime rate only one-quarter the rate of that of Los Angeles.

Buffalo, praise be to that city, had the lowest crime rate, 8.5 per 1,000.

In other words, despite the enormous problems thrust upon Philadelphia, Chicago, and New York by the influx of Negroes and whites from the South and of Puerto Ricans and Europeans, those cities have crime rates which are lower than the crime rates of cities from 250,000 to 500,000 population. Compare them, for instance, with cities where the proportion of such people is much lower.

If we could get the rates for smaller communities, I dare say it would be

found that the rates of the larger cities would be lower than those of the smaller communities.

Another point is that our metropolises are so huge that naturally the absolute number of crimes is large. People notice the absolute number, but it is the relative number which is important.

I have lived in the city of Chicago for almost 40 years. I have mixed in the life of my city. I have never seen an act of violence; I have never seen a crime committed and yet I have moved in all sections of my city.

I want this statement to be made a matter of public record, because just as Chicago deserved its bad reputation from 1915 to 1931, so today we deserve a far better reputation than is accorded to us.

I hesitate to touch upon the next point, but perhaps my good and genial friend, the distinguished senior Senator from Kentucky [Mr. COOPER], whom we all love and respect, will understand the spirit in which I speak. My party, the Democratic Party, has sometimes been accused not only of being the party of the big cities, but also of having unsavory connections with certain elements.

May I point out that the big cities which I have mentioned are under Democratic control; that for 27 years the city of Chicago has had continuous Democratic administrations. However, during that period we have reduced the crime rate constantly, until now it is next to the lowest in the Nation. It is a tribute to Mayors Cermak, Kelly, Kennelley, and our present able and good Mayor Richard J. Daley that we have reduced the crime rate in the way we have.

I hope, therefore, that our friends on the other side of the aisle who study these figures will alter some of the charges which, out of error, they have made in the past, and which from time to time they have continued to make until now.

THE INDIANA DUNES

Mr. DOUGLAS. Mr. President, some days ago, in conjunction with the Senator from Montana [Mr. MURRAY], the senior Senator from Oregon [Mr. MORSE], and the junior Senator from Oregon [Mr. NEUBERGER], I introduced Senate bill 3898, directing the National Park Service to acquire 3,500 acres of land in the Indiana dunes as a national monument, in order to prevent the last remnant of this great national resource from being taken over by the steel companies.

Petitions are being circulated throughout the country asking Congress to do this. Many tens of thousands of signatures have been obtained. I shall present those petitions sometime in the near future. In the meantime, I ask that a series of articles and editorials endorsing the measure be printed at this point in the RECORD.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Southtown Economist of June 22, 1958]

SAVE THE DUNES

All that is left of the original shoreline of Lake Michigan in the metropolitan Chicago area are the Indiana dunes. To prevent destruction of 3½ miles of dunes, adjoining Indiana Dunes State Park, both Senator PAUL DOUGLAS and Congressman BARRATT O'HARA have introduced bills in the Senate and House to have this land made a national park.

If the drive to save the dunes fails it will do so because private interests seeking to locate a harbor and a steel mill there to match the Gary steel mills south of Indiana Dunes State Park, have a stronger lobby than the Prairie Club of Chicago which is now circulating petitions to preserve what remains of the dunes outside the boundaries of the State park. The Save the Dunes Council sponsored by the Prairie Club has secured 150,000 signatures to petitions urging conservation of the Indiana shoreline.

The council in a brochure said:

"The charm and character of the dunes are unique, there being nothing else in this country that combines sandy beach, high dunes and natural forests."

The dunes are the home of 2,200 forms and species of fauna and flora. They are a botanical paradise and natural summer playground.

With the possibility of having the most beautiful front yard of any city in the world, Chicago, more than a century ago, gave away its heritage by deeding to the Illinois Central Railroad a right-of-way on the lakefront on the agreement that the railroad would build bulkheads to prevent the flooding of Michigan Avenue.

With this shameful record it is no wonder Chicagoans are more concerned about preserving the dunes than their Indiana neighbors, who at least made the railroads pay for their rights-of-way on the lakeshore.

[From the Decatur Herald of June 24, 1958]

ILLINOIS DEFENDERS OF INDIANA DUNES

Bills have been introduced in both Houses of Congress to preserve the Indiana dunes area as a national monument. The Senate bill was introduced by Senator PAUL DOUGLAS, of Illinois, who made an eloquent appeal for the preservation of an unparalleled natural area along the Lake Michigan shoreline, a refuge alike for wildlife and for city people. The House bill was introduced by Representative BARRATT O'HARA of Illinois.

Both DOUGLAS and O'HARA are Chicagoans; both are Democrats.

But why must Illinois Members of Congress go to bat for the Indiana dunes? Why wasn't legislation to establish the new national monument sponsored by the gentlemen from Indiana?

Senator DOUGLAS said, in pleading for the protection of a small part of the sovereign State of Indiana, that he should apologize to the Indiana Senators, but he felt the issue was of national significance, and the Indiana dunes have long been a prime recreation area for the people of Illinois.

That was senatorial courtesy.

On the other side of the dune is the circumstance that a steel company wants to build a new plant in northern Indiana and Senator HOMER CAPEHART, Republican, of Indiana, seems to favor this industrial expansion which, at the particular site, would entail the destruction of a natural resource.

To save the Indiana dunes from industrial use, two Illinois Representatives in Congress urge that the area be set aside as a national monument—that is, a national park.

Surely there must be other suitable sites for new steel mills somewhere else in Senator CAPEHART'S Indiana. Meanwhile the great sand dues deserve to be protected for their own sakes, and for the pleasure and enjoyment of all who like to visit them.

[From the LaPorte Herald-Argus of June 2, 1958]

COMMENT ON "SAVE THE DUNES"

While the "Save the Dunes" movement, spearheaded now by Senator DOUGLAS' bill to make the last 3½ miles of shore line of still virgin dunes country east of Ogden Dunes a national memorial, or park, has as much chance of success as the proverbial snowball in the proverbial hot place, still we should set the record straight. We should realize, all of us, what the issues are.

Governor Handley and some other political figures, as well as varied business, industrial, and utilities leaders in Lake and Porter Counties and in Michigan City, have suggested that the Illinois Senator attend to his own business in Illinois while Hoosiers attend to theirs. While this makes spicy reading of the "sick 'em, Joe" variety, it doesn't go to the meat of the issue.

In today's United States, State lines mean very little in communication, transportation, recreation, education, culture, industry, business. National parks, for example, are used and enjoyed by millions of persons from every State and many foreign countries. They are maintained for the good of all people, not alone for Hoosiers, New Yorkers, San Franciscans, Texans, Georgians, or any other group. To the present Dunes Park, along Lake Michigan's shore, come thousands of people from Illinois and other States as well as Indiana. State parks welcome persons from everywhere.

Recreation spots, like highways, are for the use of everyone. The Federal Government for long years has recognized that State lines don't count where the pleasures of the outdoors are involved. The Illinois Senator with his bill for the last dunes remnant as a national park is using the logic of nature's bounties for all the people.

Opposed to him and the "Save the Dunes" movement are the kinds of interests and people who always oppose utilization of lands, waters, and natural resources for the common good. The story is an old one. They argue, and their contention wins supporters quickly, that the dunes area along the lake is needed for steel mills and a Burns ditch harbor; that with these additions payrolls will be assured and material prosperity of the three northwestern Indiana counties augmented.

Their argument will prevail, which will mean, simply, that one more unique area which could be preserved forever in the broad public interest will be forever lost to a smaller self-interest group.

[From the Videlle-Messenger (Valparaiso, Ind.), June 16, 1958]

THE HOOSIER DAY

(By Frank A. White)

THUNDER OVER DUNES IS GROWING LOUDER

Clouds are blacker and the thunder is louder over Indiana's sand dunes in a storm between our nature lovers and those who respect the almighty dollar. The Hoosier Day has previously presented the view of boosters for the Burns Ditch Harbor to connect with the St. Lawrence seaway. Here is the other side of the coin.

Gov. Harold W. Handley and Governor Stratton are to meet soon to talk over the harbor proposals with their keymen. Governor Handley wants the harbor to be built while he is in office.

United States Senator PAUL DOUGLAS, Democrat, of Illinois, has emerged as a top pro-

ponent of preserving the dunes. He would create an Indiana Dunes National Park. He has introduced a bill in Congress to this end.

Governor Handley is finding, as did his predecessor Gov. George N. Craig, that potent organizations oppose the harbor development. He cannot still the opposition by sending Senator DOUGLAS a bushel bag of sand with the admonition to leave Indiana affairs to Hoosiers.

Among organizations entrenched against using a disputed 3¾ miles of sand dunes, belonging to the Bethlehem and National Steel Co., are: The Advisory Board on National Park Historic Sites of the Department of the Interior; Garden Clubs of Indiana; the National Parks Association; Save the Dunes Council; Audubon Society; Indiana Federation of Clubs, and many others.

Chicago, hometown of Senator DOUGLAS, wants the big harbor and is jealous of Indiana. Governor Handley holds a harbor is vital to economic development and an outlet for coal, heavy industry, and agriculture in Indiana.

NATURE LOVERS PRESENT CASE FOR NATIONAL PARK

Senator DOUGLAS has drawn strong support to turn the last remnant of the once 25 miles of sand dunes into a scientific marvel of nature, flower, and bird refuge.

The Senate has created a recreational resources review board and has before it a wilderness bill showing a growing concern that America may be sacrificing priceless and irreplacable areas in the greed for the dollar. Stephen T. Mather, public spirited citizen who created our national park system, fought 40 years to have the sand dunes preserved. He was making headway when slowed by World War I.

Factory buildings, mills, roads, streets, real-estate developments, and industrialization, with its noise, pollution of air, and water, foot by foot have gobbled up the sand dunes. While Chicago residents overrun the dunes park, there is more to the story.

All Indiana parks were gifts of our citizens. Richard Lieber, "daddy" of Indiana's famous park system, was superb in raising cash for parks. The bulk of the funds that enabled Indiana to acquire the scant 3 miles of shoreline and Sand Dunes State Park, almost all came from wealthy Chicago people, whom Lieber solicited.

Prof. Henry C. Cowles, eminent botanist, considers dunes to be without parallel in the world for rare plants and bird life. He had an assignment to conduct famous scientists of Europe on an American tour. They chose by poll to visit the Grand Canyon, Yosemite, Yellowstone Park, and the Indiana dunes.

Senator DOUGLAS contends that the harbor development would eliminate the historic trails, upset the botanical and biological exhibits of nature, close the dunes as a way station for migrating birds, drive out wildlife, drain the bogs, and eliminate for all time the moving, living, shifting landscape that has been the source of inspiration to artists, writers, and just plain people.

The Illinois Senator pointed out that the dunes, nesting place for more than 100 species of birds, was the highway of Indiana, whose trails can still be traced.

Marquette passed through the dunes in 1675 and died shortly afterward near Ludington, Mich.

La Salle came there in 1677, on his way to Montreal. Pontiac captured Little Fort, near Tremont, in 1734. In 1781, the Spanish took over.

In 1803, soldiers trod the dunes on their way to build the ill-fated Fort Dearborn. Nearby, Octave Chanute carried on his glider flight experiments. Joseph Bailly lived there as the first white settler in Indiana.

Senator DOUGLAS asserted: "A nation, to be great, must preserve its historical, cultural life, and traditions.

"The dunes are a symbol of the crisis that faces all America. It is as though we were standing on the last acre, and were faced with a decision as to how it should be used."

[From the Chicago Tribune of June 22, 1958]

SIDELIGHTS FROM NATION'S CAPITAL

WASHINGTON, June 21.—All of us have friends who can say "go" to us and we are off like a racehorse when the starting gate opens. It is only after we have sprinted a quarter of a mile that we begin to wonder what the race is all about.

Well, I got the "go" from my college friend, Joan Hyatt, of Winnetka, Ill. She knew how to butter me up best for her current cause. She wrote, "I recently saw Lou Holtz on the Jack Paar show and he told some old Sam Lapidus stories and that made me think of you." Well, let me tell you, the way this Hyatt used to tell Sam Lapidus stories. * * *

As I passed the quarter-mile post, I suddenly realized I was in foreign territory, hobnobbing with Senators RICHARD L. NEUBERGER, Democrat, of Oregon; WAYNE MORSE, Democrat, of Oregon; and JAMES E. MURRAY, Democrat, of Montana; not to mention PAUL DOUGLAS, Democrat, of Illinois, whose bill it is.

STATUS AS PARK ONLY WAY TO SAVE DUNES

The bill in question, No. 3898, now that we are nearing the half, has to do with keeping Bethlehem Steel and a couple of other little old steel companies from putting a mill in the Indiana dunes. There has been organized a Save the Dunes Council, made up of authors of nature books, conservation officials, artists, women's federation dignitaries—a really weighty list.

The Indiana dunes, in case anyone is unfortunate enough not to know this area, consist of 3,500 acres of beautiful, beautiful country. The area is both a wild life and city people refuge. The only way to prevent the steel companies from desecrating this tranquil paradise is to make it into a national park.

Upon discovery that among the opponents of the Douglas bill is Senator HOMER E. CAPEHART, Republican, of Indiana, I can hear the arguments now as clearly as if I were sitting in the Senate Press Gallery listening to the debate this minute.

CAPEHART WILL STAND UP FOR PRIVATE ENTERPRISE

DOUGLAS, with all his bombastic eloquence, will paint a picture of the peaceful little animal kingdom. He'll quote this and that nature authority and conservationist and portray the cottager. The steel people will become money-mad despoilers.

Then Senator CAPEHART, who tends to splutter when he loses his temper, will defend the reputations of the steel mills with righteous indignation and will draw the blueprint of the economic gains to the people of Indiana. On the other hand, he will intone, we have the Federal Government once more pushing aside private enterprise.

Basically, issue for issue, an old-fashioned Republican would be on CAPEHART's side, but he leaves us occasionally and this looks like a good place for us to leave him. There surely must be some place else to locate a steel mill.

Joan said, in her approach to me, "This involves crossing party lines, but I decided that if my mother would circulate petitions and write a glowing letter to Senator DOUGLAS, you, being younger and, perhaps, more flexible * * *." That did it. National parks, after all, have never been partisan politically. This is one thing that even the most ardent State righter shouldn't begrudge.

It'll be interesting to watch the vote. I'll bet it won't follow party lines. And I'll be there cheering for DOUGLAS, NEUBERGER, and MORSE. But, in Washington, nobody is ever surprised at anything.

BAZY MCCORMICK TANKERSLEY.

Mr. DOUGLAS. Mr. President, may I point out that some of these articles and editorials express cynicism by doubting that a measure so obviously for the good of the Nation can be passed by Congress. But I have a higher opinion of Congress than have these writers and editors.

I take special pleasure in a letter sent to the Chicago Tribune by Mrs. Bazy McCormick Tankersley, the niece of Col. R. R. McCormick, endorsing this proposal and saying that she intends to support it. This is all the more pleasing because neither Colonel McCormick nor the Chicago Tribune has ever been known as a warm and passionate admirer of the senior Senator from Illinois. Neither, I believe, has Mrs. Tankersley ever been known as a great supporter of mine. But one of the proofs that ours is a remarkable and fine country is that people who differ on many issues can nevertheless combine on matters which they believe to be in the public interest.

I welcome the support of Mrs. Tankersley in this matter and say that I shall be delighted to work with her and her friends for the conservation of this area for the people of the Nation.

THE INDIANA DUNES

Mr. DOUGLAS. Mr. President, I ask to have added as cosponsors of Senate bill 3898 the names of the distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished Senator from Idaho [Mr. CHURCH].

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 12181) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, and it was signed by the President pro tempore.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 27, 1958, he presented to the President of the United States the following enrolled bills:

S. 1366. An act to amend the act entitled "An act to authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska," as amended;

S. 3100. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation; and

S. 3500. An act to require the full and fair disclosure of certain information in connection with the distribution of new automobiles in commerce, and for other purposes.

RECESS UNTIL 11 A. M. MONDAY

Mr. DOUGLAS. Mr. President, in accordance with the order previously entered, I move that the Senate recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 6 o'clock and 58 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, June 30, 1958, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 27 (legislative day of June 24), 1958:

UNITED STATES DISTRICT JUDGE

Lloyd H. Burke, of California, to be United States district judge for the northern district of California, vice Oliver D. Hamlin, Jr., elevated.

DEPARTMENT OF DEFENSE

Charles Cecil Finucane, of Washington, to be an Assistant Secretary of Defense.

NATIONAL SCIENCE FOUNDATION

Morrough P. O'Brien, of California, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1960, vice George W. Merck, deceased.

PUBLIC HEALTH SERVICE

The following-named persons to be members of the Board of Regents of the National Library of Medicine, Public Health Service, for terms expiring August 3, 1961:

Dr. William Bennett Bean, of Iowa.
Dr. William Walter Stadel, of California.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962.

To be lieutenant general

Lt. Gen. John Howell Collier, O12388, Army of the United States (major general, U. S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. James Dunne O'Connell, O14965, United States Army, in the rank of lieutenant general.

Maj. Gen. Guy Stanley Meloy, Jr., O16892, United States Army, in the rank of lieutenant general.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8294 of title 10, United States Code, as modified by section 1 of the act of April 30, 1956, chapter 223 (70 Stat. 119), with a view to designation, under section 8067 of title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be lieutenant colonels, USAF (Medical)

Philip G. Keil, AO1700467.
John P. Stapp, AO1766255.

To be captains, USAF (Medical)

Erwin A. Eichhorn, AO3042240.
William K. Haney, AO821005.
Robert G. McIver, AO3043191.
Henry P. Meijer, AO3042223.
Saul S. Meltzer, AO3041750.
James N. Rasberry, AO3002103.
Daniel L. Smith, AO751970.
Gerald D. Young, Jr., AO3000854.

To be captains, USAF (Dental)

Julian T. Benton.
Frank A. Colaizzi, AO3001420.
Charles A. Gutweniger, AO3043064.
Harley F. Hope, Jr., AO3001209.
James K. Jacoby, O2273739.
Kenneth J. Lambert.
Robert J. Sarka, AO3042476.
Russell F. P. Staerkel, AO2240593.

To be first lieutenants, USAF (Medical)

Godfrey D. Adamson, Jr., AO3011107.
John H. Affleck, AO3074820.
Enoch J. Authement, Jr., AO3074720.
Theodore F. Blackwelder.
George E. Branam, AO3078043.
Richard M. Darling, AO3075070.
William L. Earp, AO3014317.
Sherman A. Hope, AO3078102.
Leonard J. Karlin.
Richard H. Mattson, AO3078101.
James E. McGuigan, AO3074875.
Richard G. Onkey, AO3075111.
Lawrence R. Smith, AO2232855.
Wim F. van Muyden.

To be first lieutenants, USAF (Dental)

Darrell D. Nelson.
Morris H. Reisbick.
Raymond J. Sirois, AO3043655.

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956), with a view to designation, under section 8067 of title 10, United States Code, to perform the duties indicated:

To be major, USAF (Chaplain)

Frank M. Arnold, Jr., AO472383.

To be majors, USAF (Judge Advocate)

Rudolph W. Albrecht, AO790203.
George G. Garman, AO435074.
E. Wimer Thompson, AO649124.

To be major, USAF (Medical Service)

Elvin Robinson, Jr., AO2048129.

To be majors, USAF (Veterinary)

Jack A. Rehkemper, AO414014.
William G. Sullivan, AO294087.
George O. Thomas, Jr., AO372185.
Omar G. Werntz, AO394514.

To be captain, USAF (Judge Advocate)

Clinton B. Fawcett, AO3016915.

To be captains, USAF (Medical Service)

Charles C. Beale, AO1912675.
Francis X. Nolan, AO2214026.
Kenneth W. Peters, AO1912363.
Emmett A. Thornell, AO1912375.

To be captains, USAF (Veterinary)

Neville P. Clarke, AO3000641.
DePaul J. Corkhill, AO2213972.
Oliver F. Goen, AO509866.
Maurice S. Verplank, AO1766554.

To be first lieutenants, USAF (Veterinary)

Donald B. Gisler, AO1877021.
Rudolf A. Hoffman, AO3042977.
Paul J. Homme, AO3042227.
Earl C. Pebley, AO3042349.
Robert E. Pope, AO3043416.
Richard E. Smith, AO2237634.
Leo A. Whitehair, AO2253671.
Joe T. Williams, AO3042690.
George M. Yarbrough, AO3041931.
Ralph F. Ziegler, AO3042922.

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 8291, title 10, United States Code, with a view to designation for the performance of duty as indicated under the provisions of section 8067, title 10, United States Code:

To be captains, USAF (Nurse)

Christine Blount, AN764864.
Margaret J. Cole, AN774415.
Edith E. Fleming, AN2214334.
Elizabeth A. Heggy, AN768019.
Catherine M. Krachenfels, AN2243873.
Florence T. Marchitelli, AN792174.
Margaret M. Ryan, AN788583.
Mary A. Tonne, AN784868.

To be first lieutenants, USAF (Nurse)

Marilyn J. Beam, AN2242493.
Carolyn Benefield, AN2242534.
Eunice R. Casey, AN2243353.
Mary R. Deffner, AN3045343.
Eileen H. Foley, AN2243544.
Dorothy A. Gifford, AN2242060.
Winnifred E. Gillette, AN2241652.
Wanda J. Higdon, AN2243958.
Margaret A. Huston, AN2244314.
Lillian T. Kapel, AN2241575.
Ruth M. Lane, AN2243116.
Rita L. Lewis, AN3075041.
Laura I. Mace, AN2241574.
Mary A. McMahon, AN2244559.
Irene Patnychuk, AN2242584.
Rosemary Sullivan, AN2242554.
Peggy J. Tuggle, AN2243072.

To be first lieutenant, USAF (Medical Specialist)

Doris H. Driggs, AR2241039.

To be second lieutenant, USAF (Nurse)

Marcine E. Ruha, AN3074965.

To be second lieutenant, USAF (Medical Specialist)

Renee Gregory, AM3044560.

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956):

To be majors

Stephen D. Armstrong, AO666505.
Murray W. Baker, AO819665.
George C. Bales, AO417481.
Hal J. Basham, AO2058672.
Vergil H. Bates, AO832988.
Edgar Bennett, AO730342.
Robert M. Biesiot, AO777090.
Carl H. Bjorum, AO888971.
Rulon D. Blake, AO417144.
John W. Bohn, Jr., AO386899.
Norman C. Boomgaard, AO779766.
Gilbert E. Butler, AO363375.
Nunzio B. Ceraolo, AO538068.
Irvan J. Church, AO527113.
Enos L. Cleland, Jr., AO777119.
Gerald M. Clugston, AO427526.
Earle M. Cole, AO1697888.
Thomas Z. Corless, AO567747.
William H. Cox, AO772298.
J. Bert Davis, AO2057576.
William W. Deyerle, AO818499.
Floyd E. Dixon, Jr., AO565201.
George M. Dwight, Jr., AO438319.
James G. Eakle, AO2056564.
Ronald J. Fowler, AO583212.
Roger W. Garrison, AO422964.
James S. Gist, AO777650.
John D. Harris, Jr., AO726390.
Emmett L. Hays, AO763591.
Erwin A. Hesse, AO827204.
Charles B. Hodges, Jr., AO736521.
David E. Honadle, AO587232.
Jimmie M. Jernigan, AO762471.
Robert W. Johnson, AO778830.
John H. Jones, Jr., AO815710.
James S. Keel, AO829686.
Raymond C. Koorenny, AO692881.
John J. Krause, AO777340.
Ladd R. Leder, AO560036.
Harvey L. Logue, Jr., AO675246.

Frank F. Long, AO2036777.
Edward D. H. Maddox, AO417708.
Donald F. Martin, AO758595.
James H. Martin, Jr., AO430831.
Nicholas M. Masich, AO316144.
William M. McGuire, AO777747.
Thomas H. McNeal, AO831450.
Lex M. Medlin, AO659317.
James E. Miller, AO316543.
Whitney L. Morgan, AO831245.
Herbert H. Morine, AO779944.
Clifford D. Olesen, AO441277.
Patrick J. Parlavecchia, AO2057993.
Clinton A. Parrish, Jr., AO831259.
Edward H. Peterson, AO549805.
Wilfred R. Pieper, AO729224.
Russell M. Pillittere, AO814130.
Caldwell N. Powell, AO819311.
Rodney S. Quinn, AO686362.
Calvin Samson, AO2045208.
John F. Schmid, AO777840.
Andrew Sereg, AO780033.
Donald M. Silliter, AO576281.
Delwyn E. Silver, AO436011.
Kenneth L. Skeen, AO680096.
Fred R. Spies, AO806000.
John B. Stewart, AO870960.
William C. Stewart, Jr., AO428871.
Donald W. Thompson, AO674082.
Robert A. Wegner, AO520506.
William J. White, AO2058053.
Edward F. Wittel, AO797655.
Charles V. Wunderlich, AO530748.
David H. Yoakley, AO804544.

To be captains

Sigmund Alexander, AO1860042.
Thomas P. Anthony, AO2008923.
Douglas Bailey, AO722238.
Bicknell K. Beckwith, AO938536.
George W. Berliner, AO939425.
William L. Bento, AO2217942.
Vilas L. Bielefeldt, AO2221872.
Edgar W. Biggers, Jr., AO1857134.
Hans Bischofs, AO784842.
Norman C. Bishop, AO765910.
Malcolm Blakemore, AO2084652.
William J. Boatright, AO2231527.
Paul C. Breazeale, AO1852827.
James C. Brennan, Jr., AO1863065.
Garland D. Bridges, Jr., AO1849280.
William E. Brown, Jr., AO779350.
William S. Brown, Jr., AO2100004.
Robert F. Burke, AO2088708.
John J. Byrne, AO943042.
John B. Cantrell, AO1860240.
Kenneth R. Carman, AO938456.
Herbert G. Carnathan, AO1865253.
John A. Chevrier, AO2221899.
Charles B. Clontz, AO2081900.
Raymond E. Cole, AO835755.
David L. Cook, AO942870.
Richard J. Corbett, AO701727.
Robert V. Crandall, AO1903847.
Boyce L. Creswell, AO1910900.
Carl M. Davidson, AO938606.
Ignazio R. DeBelles, AO1859811.
Robert B. Eckles, AO742983.
Harold M. Evans, AO1847845.
Norman J. Farrell, AO1849579.
James R. Fenn, AO2221837.
Mark S. Foldy, AO2221839.
Franklin M. Foster, AO1910974.
Jack C. Frank, AO830198.
Stanley D. Gallaway, AO940812.
Floyd E. Gori, AO1857550.
Ernest E. Grinham, AO2088428.
Richard T. Groves, AO941056.
Alan K. Gunnell, AO1847656.
Thomas W. Haislip, AO1907713.
Humphrey J. Hancock, AO2095544.
Paul G. Hanson, Jr., AO1904877.
Donald H. Haralson, AO1904714.
James A. Hays, AO2221800.
Wayne H. Hemm, AO2221801.
Louis E. Herrick, AO1849754.
Wylie W. Hoffman, AO1907645.
Joseph D. Horvath, AO2082273.
Robert F. Houlahan, AO783991.
Carlton E. Houser, AO2221847.
Ben H. Houston, AO1850984.
Robert H. Houy, AO2087050.
Van Hugo, Jr., AO715105.
John R. Hull, Jr., AO2206680.
Dean L. Jessen, AO2067508.
Edwin W. Johnson AO1858330.
Glendon T. Johnson, AO2215962.
Leroy M. Kirstein, AO839113.
Russell S. Keney, AO820030.
Leroy M. Kirstein, AO839113.
Edward J. Kosmerl, AO2090588.
Garo Krikorian, AO1864598.
James L. Laney, AO1855112.
Donald J. Larson, AO775056.
George T. Leach, Jr., AO1852153.
James T. Leibrock, AO2221809.
Harry F. Lenahan, Jr., AO2217742.
Donald G. Liggett, AO695674.
Jesse C. Locke, Jr., AO1910987.
Jesse L. Lockyer, AO941317.
Ellis R. Loree, AO772860.
William R. Lounsbery, AO2076671.
Charles M. Lowe, AO1848283.
Robert MacDonald, AO2221886.
Harold W. Mason, AO1849681.
Charles W. Maultsby, AO1910993.
William A. May, Jr., AO942761.
Otis E. McCain, AO1846936.
Robert E. McCollester, AO691453.
John H. McElhaney, AO1907739.
William R. McKanna, AO1907748.
Sidney L. McNeil, AO2231334.
Harold R. Miller, AO1848451.
Donald W. Moore, AO943953.
Thomas T. Mounts, AO1910994.
James S. Nash, AO2093637.
Edward E. Nowogroski, AO1910996.
Barry O'Grady, AO2221813.
Harold K. Paris, AO764149.
Paul W. Pietschner, AO2101113.
James D. Pirie, AO689640.
Paul R. Pitt, AO2221857.
Thomas D. Price, AO842702.
Robert E. Proctor, AO810563.
Ira J. Purdy, AO766686.
David D. Rines, AO1910998.
Lyman W. Rothwell, AO1848872.
Armand G. Rowley, AO939290.
Charles S. Rushton, AO1999643.
Leslie G. Rutherford, AO2221819.
Paul J. Salemi, AO1847760.
Joseph E. Simanonok, AO820337.
Guy L. Smith, AO2235611.
James L. Smith, AO1849504.
Elmer F. Stapher, AO940871.
Floyd C. Starbuck, Jr., AO1853154.
Paul Swearingen, AO1854804.
Jack W. Taylor, AO2215176.
Earl W. Uphouse, AO1858619.
Luther H. Waechter, AO2221867.
Wesley R. Wallis, AO1856308.
James V. Webster, AO2221826.
Robert V. Wendt, AO1911007.
Oddis E. Whittington, AO1905822.
David W. Wilcox, AO2221896.
Jessie B. Williams, AO1911008.
Richard K. Wilson, AO1854050.
Sigurd J. Wingard, Jr., AO941659.
Kenneth C. Wood, AO1859507.

To be first lieutenants

Lee R. Allison, AO3033030.
Glenwood J. Anderson, AO2204607.
John R. Ave, AO2204470.
John C. Bailey, Jr., AO3026765.
William R. Bjerstedt, AO3026612.
Thomas O. Calvit, AO3026525.
Oswald M. Castro, AO3008670.
Leslie C. Conwell, AO3026561.
Edward A. Cope, AO3026913.
Thomas P. Dickson, AO2211900.
Robert D. Donaldson, AO3039995.
James E. Dormann, AO2211992.
Francis E. Dunlap, AO3039817.
David H. Eddy, AO3040138.
Fred W. Ermel, Jr., AO3040459.
William A. Fendrick, AO3039198.
Robert J. Finn, AO3033253.
William C. Fischer, AO2206498.
Ronald P. Fleet, AO3039821.
Ray F. Fox, AO3040283.
Therman E. Frazier, AO3040284.
William L. Gibson, AO3040353.
Robert E. Gille, Jr., AO2210141.
Charles T. Goforth, Jr., AO3027723.
James M. Greer, AO2211660.
Jay G. Hale, AO3026957.
Albert E. Haydel, Jr., AO2211580.
Samuel P. Herod, AO3040222.
Joseph R. Horton, AO3040362.
Joe A. Howard, AO3040143.
Louis N. Hughes, AO3040007.
Gilbert E. Johnson, AO3030677.
Walter W. Kangas, AO3026666.
Kenneth A. Kirkpatrick, AO2212049.
James F. Kunkel, AO3031018.
Algimantas J. Kuprenas, AO3026873.
Wayne A. Lanphear, AO3040470.
Carl L. Leggett, AO3040365.
William B. Lehman, AO3040048.
Howard T. Lenz, AO3040235.
Francis J. Long, AO3026602.
Robert P. McGroarty, AO3026734.
Jack L. McMullen, AO2211696.
Richard S. Murray, AO3040026.
Benoni Nowland IV, AO3026738.
Clyde R. Robbins, AO2207014.
Eugene D. Robinett, AO2212000.
Floyd D. Rough, AO2206236.
William H. Sanders, AO3026745.
Dale M. Slaughter, AO2211722.
Delmar B. Spivey, AO3026746.
James E. Stinson, AO3026705.
Stephen L. Sutton, AO2211703.
Thomas J. Tolliver, AO3040493.
Theodore J. Trapp, AO2211413.
Edmond J. Tremblay, AO2210363.
Ronald E. Trickey, AO3040385.
Thomas J. Turnbull, AO3039795.
Dewain C. Vick, AO3040590.
Andrew D. Walker, AO3040183.
Roger O. Warloe, AO2211704.
Gerald S. Watson, AO3037685.
John T. Watson, AO2210138.
Robert O. Weidenmuller, AO2208705.
William R. Wiseman, AO2211869.

To be second lieutenants

Distinguished Officer Candidate Graduates

Donald O. Aldridge, AO3087638.
Paul W. Anderson, AO3087652.
Grady Cook, AO3087861.
Richard O. Cruciani, AO3087879.
Robert N. Detelich, AO3087891.
Donald B. Harrelson, AO3087922.
Marvin W. Lintner, AO3087953.
Gene A. Sherrill, AO3100998.
Monroe T. Smith, AO3101020.

Distinguished Aviation Cadet Graduates

Eugene T. Adair, AO3081188.
Arthur C. Aho, Jr., AO3080673.
Richard H. Brodeur, AO3081276.
Kenneth J. Bunch, AO3080925.
Laurie A. Bunten, AO3080348.
Earl E. Chapman, Jr., AO3081454.
Willard T. Chapman, AO3080911.
David K. Clarke, AO3080474.
Richards W. Claxton, AO3081215.
Darby L. Clendennen, AO3080956.
John H. Cook, AO3080957.
Richard T. Dillon, AO3081022.
Donald E. DuBoise, AO3081023.
John P. Egan, Jr., AO3081170.
Robert C. Englert, AO3080839.
Rodney E. Fant, AO3080930.
Dietrich E. Frank, AO3081050.
Norman E. Gerity, AO3081222.
Kenneth M. Gopsill, Jr., AO3081211.
Mirl J. Hacking, AO3080632.
Richard J. Hardin, AO3080684.
William P. Harwell, AO3081066.
Albert F. Hastings, Jr., AO3081090.
Gail D. Helvie, AO3080783.
Peter C. Hoag, AO3081476.
Jerry D. Hodgson, AO3080635.
John T. Hudgins, AO3081442.
Larry E. Hudson, AO3080958.
Robert G. Jerman, AO3080637.
Edward J. Kelly, AO3081382.
Frank Kirmss, Jr., AO3080687.

Ralph Kozler, AO3081249.
James R. Kroppach, AO3080660.
Carl A. Leaver, AO3081444.
Truman W. Lifsey, AO3080827.
Carl W. Lonnberg, AO3080992.
Ronald H. Lord, AO3080977.
Willis Y. Lyon, AO3080762.
Robert M. MacIntosh, Jr., AO3080654.
Donald R. Mack, AO3081359.
Philip L. Misenheimer, AO3080788.
Phil E. Mitchell, AO3081273.
Leonard W. Morgan, AO3080942.
Robert F. Murdoch, AO3081274.
James W. Noblitt, AO3081480.
Frederick R. Nordin, AO3080812.
Arthur F. Pearson, AO3080980.
Harold A. Phelps, Jr., AO3081157.
Robert D. Rasmussen, AO3080913.
Gary L. Retterbush, AO3081176.
Bradley A. Rice, AO3080665.
Gerald F. Ridley, AO3081400.
Alan B. Romig, AO3080666.
Theodore A. Rutherford, AO3081485.
Robert B. Sand, AO3081469.
Clifford R. Sanderson, AO3081266.
Joachim E. Scholz, AO3081161.
Jack I. Simmons, AO3080734.
Lee E. Sorensen, AO3081391.
Arthur R. Sprott, Jr., AO3081189.
Richard A. Stevenson, AO3080851.
Richard C. Storr, AO3081487.
Samuel F. Sylvester, AO3081354.
Gordon M. Walcott, AO3081195.
Carleton B. Waldrop, AO3080971.
Nathan L. Walker, AO3080648.
Courtney E. Weissmueller, AO3080794.
Vaughan L. Wells, Jr., AO3081490.
John C. Williams, AO3080921.

Subject to medical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force under the provisions of title II, Public Law 737, 84th Congress (Armed Forces Regular Officer Augmentation Act of 1956):

Donald I. Aadland
Gerald G. Ackerson
Kenneth B. Adams
David A. Aggerholm
Brian L. Akers
William M. Aldred, Jr.
Melvin A. Allen
Park O. Ames
Frank J. Andre, Jr.
Reynaldo A. Anllo
Harold L. Arner
Robert T. Ault
Dean L. Baerwald
William D. Bailey, Jr.
Gary S. Baker
Doyle E. Balentine
Robert J. Balhorn
George D. Ballentine
William K. Barlow
George L. Barnes
Benjamin H. Barnette, Jr.
Don T. Batson
Gerald C. Bauknight
Robert F. Beckett
Cletus A. Belsom
John H. Benjamin
Charles E. Bentz
Robert M. Berg
John T. Berry
Edward J. Biron
Gary W. Bitton
John C. Blake
Roy G. Blake
William C. Blankenship, Jr.
Arnold W. Blomquist
Gordon E. Bloom
Paul A. Blystone
John E. Boehm
Robert M. Bonacker
Ray M. Bowen
George K. Boyer
John E. Brasure
Anton D. Brees
Jerry R. Brenden
Gerald J. Brenny
Peter E. Brinkman
Jack D. Brooks
Hayes R. Bryan
William W. Bryan
Lorens Q. Brynestad
Bernard B. Burnett
George C. Burrus
Donald L. Burton
Marcius R. Butterfield
James G. Cairns, Jr.
Duncan W. Campbell
Gary L. Campbell
John E. Cannaday, Jr.
Mark W. Cannon
Wayne T. Carothers
Gary R. Carr
Arthur F. Carter
Clyde W. Carter
Robert L. Chappelle
Bruce E. Church
John A. Ciucci
John W. Clark
Ronald E. Clark
Samuel H. Clarke, Jr.
Edward M. Clarkson
John F. Clouse
Gordon T. Clovis
Bobby E. Cochran
Robert B. Coolidge
Walter M. Costello
Benjamin D. Crane
William I. Creveling
Reynolds L. Criswell
Tommy K. Crowe
Chesley K. Culp, Jr.
Robert E. Culton
Donald A. Cunningham
Jay L. Cunningham
Lawrence C. Curtis, Jr.
Jerry F. Daley
Gordon P. Darling
Ernest J. Davenport
Troy H. Davidson, Jr.
Sedley C. Davis
James A. DeGiovanni
Robert A. DeLapp
Carl W. Demidovich, Jr.
Dennis N. deMontigny
Donald L. Denton
Allen J. DeRiemacker
Karsten Dierk
Douglas C. Dillon
Robert T. Dodd, Jr.
Richard E. Dodge
Harold D. Dortch, Jr.
Raymond E. Doyle, Jr.
Patrick Duffy
Armand E. Durrieu
Allen M. Easterling
Leslie G. Ebeling
John A. Eichler
Jerald W. Ellington
John E. Emmons
John E. Endicott
James G. Espey III
Donald J. Evans
James C. Fairchild
Thomas G. Farrell
Gary T. Fenske
David Ferruzza
James R. Firestone
Milo L. Fischer
Roger B. Fleming
Ronald L. Flesch
Jimmie J. L. Foster
Arnold K. Fowler
Raymond W. French
John C. Frishett
Douglas A. Frost
Charles E. Gane
John A. Giacobbe
Gary D. Gibson
Edward N. Giddings
Shelton B. Gillam
Edwin E. Gould
Oscar D. Graham
John R. Grandrimo
Douglas C. Greene
George H. Grimes, Jr.
David B. Griswold
William J. Grove, Jr.
William A. Grow, Jr.
William B. Gullett
James O. Gundlach
Ronald E. Hagler
Joseph W. Haley
Arthur D. Hall
Gordon L. Hall
William S. Hall
Alfred P. Hallam
James F. Hamill
Donald L. Hamilton
Edward C. Handly
Gary D. Hansen
Adrian M. Harrell
Donald R. Harrell
James W. Harrill
Ronald R. Harrington
Roy V. Harris, Jr.
Howard F. Hatch
Darrell G. Hatcher
James R. Hawkins
Hubert R. Hayworth
Howard J. Hazlett, Jr.
Donald L. Heiliger
George K. Hemphill, Jr.
Ray C. Henderson
Billy J. Henkener
David L. Hetzel
James T. Hewitt
William L. Hiner
James B. Hinton
Robert E. Hite, Jr.
Winford E. Holland
William J. Holzknecht
Peter J. Horne
John R. Howell
John P. Huddle
Arch W. Hunt III
Ralph P. Hunt
Phil C. Hurley
James W. Hurt III
J. W. Inman
Joseph R. Irwin
Ronald L. Ivy
Ronald A. Iwasko
William K. James
Arlen R. Johnson
Raymond L. Johnson
Maurice B. Johnston, Jr.
Joe D. Jones
William R. Joyce
Jackie G. Junkin
John A. Keating
Frank N. Kelley
James D. Kellim
Michael C. Kerby
Donald J. Ketter
Milton D. Kingcaid
Donald B. Kirby
Richard C. Koch
John L. Kraft
Frederick A. Krause
Martin E. Kravarik
Marvin Kravitz
Armin A. Krueger
Howard L. Kucera
John L. Kurzenberger
William E. Kuykendall, Jr.
Logan W. Kyle
Donald E. LaCosse
Carroll F. Lam
Thomas R. Lampel
George P. Lanceskes
Peter A. Land
David M. Lane
Joel V. Langord
Donald L. Lantz, Jr.
Robert J. Larison
Larry L. Larsen
Chester W. Leathers II
Joseph R. Lee, Jr.
Victor T. Lee
John F. Lennon
Charles S. Lessard
George A. Lewis
Donald L. Lindemann
Robert W. Lindemuth
Jay F. Lindsey
Jerome J. Lohr
Michael J. Long
Ray B. Long
James A. Loynd
John D. Ludwig
Donald M. MacKay
Allen V. Mahan
Donald M. Majors
Tracy J. Mandart, Jr.
Philip W. Matos
Robert M. May
Charles N. Maynard
William S. McCallum, Jr.
Peter E. McCourt
James T. McDaniel
James A. McLauchlin
Charles D. McMullan
Jon R. McMurtry
David N. Milburn
Wayne L. Miles
Edward H. Miller
Paul M. Miller, Jr.
Richard L. Miller
Robert J. Miller
William H. Miller
Fredrick C. Moors
Clifford P. Mouton, Jr.
Arlie L. Mustoe, Jr.
Charles F. T. Nakarai
Raymond P. Naton
Irvin S. Naylor
Lorin J. Nelson
William F. Nesbitt III
Richard D. Ness
Peter C. Noebel
Lawrence J. Null
William N. Obermyer
Dennis J. O'Brien
Robert K. O'Connor
Kenneth J. Orne
John C. Ostrom
Richard T. Owens
Dennis G. Pace
John M. Palms
Robert F. Panella
Frederick F. Y. Pang
Everette F. Parker
Louis T. Parker, Jr.
Lawrence L. Patton
Ronald L. Perry
Frederick C. Phillips
Richard R. Post
William H. Potter, Jr.
David S. Powers
Robert J. Pranger
John C. Price
Carle A. Privette
Vernon K. Prueitt
Daniel W. Pruitt
Robert R. Rankine, Jr.
Donald L. Rans
John E. Rasmussen
Edward L. Ray, Jr.
Gary G. Ray
Richard G. Reid
Larimore A. Redinger
Robert R. Reining, Jr.
Norman L. Retherford
Billy J. Rhoten
Stanley D. Rice
Arthur M. Richard
Charles W. Richey, Jr.
George M. Riddle
Robert E. Riecker
Wilton E. Riggers
Charles E. Roberson
Brooke D. Roberts
Andrew T. J. Robinson
John H. Rodgers
Robert J. Roetcisoender
Gerald P. Rooney
Harold G. Routon
Ralph A. Rowley
Edward J. Rudzinski
Horace L. Russell
Gary A. Salman
William W. Sanford
Albert L. Sasseville
Walter A. Saunders, Jr.
Newell G. Savage
Eugene D. Schaltenbrand
Everett S. Schleter
Ralph R. Schneider
Russell R. Schoonover
Thomas R. Schornak
Phillip A. Schorr
Minot K. Schuman
Raymond G. Schwartz
Harvey G. Senseney III
Joseph M. Senyk
William C. Shaffer
Stephen A. Showers
Richard W. Shriber
William B. Sides
Paul L. Singleton
Charles R. Skinner
Carl M. Smith
Roger J. Smith
Chester P. Smither, Jr.
William L. Spearman, Jr.
David L. Souder
William P. Speight
Philip C. Staas, Jr.
Roy M. Stanley
David A. Staver
James R. Stear
Martin W. Steen
Jerome P. Stein
John R. Stell
Jack A. Strom
Gerald A. Stuart
Otto J. Stupka III
Edward W. Summerhill
John D. Sutherland
Alfred E. Tarr
Donald J. Taylor
Arthur V. Tennyson
Gary E. Thomas
Norris D. Thomas
Thomas S. Thorpe
Philip W. Timmermans
Wayne R. Topp
Paul R. Tregurtha
Marvin L. Trice, Jr.
Frank W. Turner
John A. Varela
Richard F. Veit
Joseph B. Verna, Jr.
Richard W. Vetter
John R. Viegas
Frank C. Vogel, Jr.
John H. Voorhees
Robert N. Voshell
Frederick J. Wagner, Jr.
Loreley O. Wagner
Kirk T. Waldron
Bert N. Walker
Ronald B. Walker
Donald T. Ward
Claudius E. Watts III
William G. Weaver
David J. Wege
Larry L. Weidkamp
Martin E. Weinstein
Arlo P. Wenstrand
James C. West
John R. Wheatley
James E. White
John W. Whiteaker
Charles J. Whitsett
John C. Wiesner
Norbert T. Williams, Jr.
Jerry F. Wiseman
Samuel B. Witt III
Bohdan D. Woloshyn
Robert R. Wunderlich
Edward W. Wyatt
William S. Yancey
Chauncey O. Yingst
Vance A. Zartman
Albert R. Zimmerman, Jr.
Walter J. Zimmerman, Jr.
Alan R. Zoss

IN THE NAVY

Vice Adms. Frederick W. McMahon and Austin K. Doyle, United States Navy, to be placed on the retired list with the rank of vice admiral under the provisions of title 10, United States Code, section 5233.

Having designated, under the provisions of title 10, United States Code, section 5231, the following-named officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them to have the grade, rank, pay, and allowances of vice admiral while so serving:

Rear Adm. Roland N. Smoot, United States Navy.

Rear Adm. Frederick N. Kivette, United States Navy.

Rear Adm. William C. Cooper, United States Navy.

INTERNATIONAL COOPERATION ADMINISTRATION

William H. G. FitzGerald, of Connecticut, to be Deputy Director for Management of the International Cooperation Administration, in the Department of State.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 27 (legislative day of June 24), 1958:

POSTMASTER

Leo W. McDonough to be postmaster at Kellogg, in the State of Minnesota.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 27, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

II Timothy 2: 7: *The Lord give thee understanding in all things.*

Almighty God, Thou art always near unto us with Thy heartwarming and encouraging presence when our days are filled with strain and stress.

May we go forth into the hours of this new day with eager and earnest minds, strongly fortified in faith.

Give us the grace and strength which redeems us from weakness and weariness and recharges us with renewed hope.

Take away the mists from our eyes and all malice from our hearts as we strive to gain for ourselves and mankind the vision and the blessings of the more abundant life.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1985. An act to authorize the preparation of plans and specifications for the construction of a building for a National Air Museum for the Smithsonian Institution, and all other work incidental thereto;

S. 3975. An act to provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes; and

S. 4009. An act to amend the act authorizing the Washoe reclamation project, Nevada and California, in order to increase the amount authorized to be appropriated for such project.

PHYSICAL RESEARCH PROGRAM IN THE FIELD OF ATOMIC ENERGY

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Con. Res. 325) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Atomic Energy be authorized to have printed for its use 10,000 copies of the public hearings on physical research program as it relates to the field of atomic energy, held by the Subcommittee on Research and Development during the 85th Congress, 2d session; and be it further

Resolved, That the Joint Committee be authorized to have printed 10,000 copies of the report on the above hearings; and be it further

Resolved, That the Joint Committee be authorized to have printed 2,000 copies of the index of the above hearings.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. LECOMPTE. Reserving the right to object, Mr. Speaker, will the gentleman from Ohio tell the House the occasion for this resolution?

Mr. HAYS of Ohio. This resolution is submitted by Mr. PRICE from the Joint Committee on Atomic Energy who asked to have printed this study on the physical research program as it relates to atomic energy. This study is one that it is thought will be very helpful to scholars and researchers in universities. There is considerable demand for the study.

Mr. LECOMPTE. It appears that the Joint Committee wanted this done badly and it was voted out unanimously. Is that correct?

Mr. HAYS of Ohio. That is correct.

Mr. LECOMPTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHARLES MARION RUSSELL MEMORIAL

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (S. Con. Res. 82) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the proceedings at the presentation, dedication, and acceptance of the statue of Charles Marion Russell, to be presented by the State of Montana in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

SEC. 2. There shall be printed 3,000 additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which 100 copies shall be for the use of the Senate and 1,200 copies shall be for the use of the Members of the Senate from the State of Montana, and 500 copies shall be for the use of the House of Representatives and 1,200 copies shall be for the use of the Members of the House of Representatives from the State of Montana.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS ENTITLED "CIVIL RIGHTS, 1957"

Mr. HAYS of Ohio. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (S. Con. Res. 87) to print additional copies of the hearings entitled "Civil Rights, 1957" for the use of the Committee on the Judiciary, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on the Judiciary 2,000 additional copies of the hearings of its Subcommittee on Constitutional Rights entitled "Civil Rights, 1957," held during the 85th Congress, 1st session.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO DISTRICT OF COLUMBIA COMMITTEE TO SIT DURING SESSION OF THE HOUSE TODAY

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may sit during general debate in the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TAX RATE EXTENSION ACT OF 1958

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H. R. 12695) to provide a 1-year extension of the existing corporate normal-rate tax and of certain excise-tax rates, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2025)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12695) to provide a one-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. Repeal of taxes on transportation of property.

"(a) Repeal: Effective as provided in subsection (c), part II (relating to tax on transportation of property) and part III (relating to tax on transportation of oil by pipeline) of subchapter C of chapter 33 of the Internal Revenue Code of 1954 are hereby repealed.